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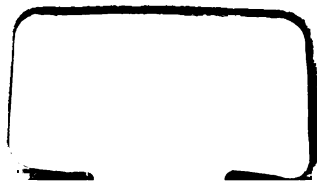
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HISTORY  
OF  
NEW MEXICO

Its Resources and People

ILLUSTRATED

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VOLUME I

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PACIFIC STATES PUBLISHING CO.  
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GENERAL

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# PREFACE.

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This is the first compilation of New Mexico's History which aims at comprehensiveness of the many subjects and vast details involved in a description of the Territory's resources and people and a narrative of the events of its career from De Vaca to the present.

The difficulties of such an undertaking are obvious. While a painstaking effort has been made to seek more than the cut-and-dried materials of history, this attempt has often been unsuccessful so far as official records are concerned, the latter being frequently lost or destroyed, and in other cases poorly kept.

For the history of the past fifty years, interviews with hundreds of well informed and reliable people have furnished a wealth of personal observation and opinion. Yet in many cases these accounts of important events differ in essentials as well as details, though the narrators may have been eye-witnesses. It is believed that an impartial arrangement of this material has been effected.

In the preparation of the History many published works have been examined. In some cases investigation and the judgment of the historian have caused a departure from the generally accepted order of facts.

Works to which reference has been made are:

Reports of the Bureau of Ethnology of the Smithsonian Institution and Reports of the American Museum.

Reports of Federal Departments and Bureaus.

Reports of Territorial Officials.

Works of Prof. A. F. Bandelier.

"Spanish Settlements Within the Present Limits of the United States," by Woodbery Lowery.

"The Coronado Expedition," by G. P. Winship.

"Coronado's March in Search of the Seven Cities of Cibola," by General Simpson.

"History of Mexico, California and New Mexico," by Brantz Mayer.

"Letters from South America and Mexico," by Pazo.

"History of Mexico," by Ward.

"History of Mexico," by Robinson.

"History of New Mexico," by H. H. Bancroft.

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"Narrative of the First Texan Santa Fé Expedition," by George Wilkins Kendall.

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 "The Sevastika," etc., by Thomas Wilson.  
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 "Uncle Dick Wootton," by Howard L. Conard.  
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 "Union Records of the Civil War."  
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 "Forty Years at El Paso," by W. W. Mills.  
 "Annual Reports," by General E. A. Carr.  
 "Church Cyclopaedia."  
 Reports of New Mexico Supreme Court.  
 Reports of United States Land Court.  
 Annual Reports of New Mexico Bar Association.  
 Records of New Mexico Medical Society.  
 The files of newspapers, and  
 Valuable information received from the following persons:

Aloys Scheurich.	Dr. Nathan Boyd.
Mrs. Petra B. Abreu.	B. M. Hall.
Antoine J. ("Tony") Meloche.	John W. Poe.
Major Harry E. Whiting.	James Chisum.
S. M. Ashenfelter.	Juan Santistevan.
Colonel E. W. Eaton.	Dr. W. R. Tipton.
Will R. Tipton.	Dr. James H. Wroth.
S. E. Booth.	Summers Burkhardt.
M. M. Salazar.	Levi A. Hughes.
Jo E. Sheridan.	Hon. N. B. Laughlin.
Demetrio Perez.	Mrs. Mary C. Dunlop.
Rev. Aguste Morin.	Rt. Rev. John Mills Kendrick.
Frank O. Kihlberg.	N. E. Stevens.
Alpheus A. Keen.	Major R. J. Palen.
Rev. Antonio Jouvenceau.	Nestor Armijo.
A. H. Harllee.	M. W. Porterfield.
James Corbin.	Colonel E. Godwin-Austen.
Colonel Richard Hudson.	Hon. Elisha V. Long.
Seaman Field.	Colonel W. H. Williams.
John Lemon.	Charles Blanchard.
Hon. Frank W. Parker.	John R. Young.
W. S. Shepherd.	William Locke.
J. J. Hagerman.	W. E. Griffin. And others.

## PREFACE

With such hearty interest from all over the Territory manifested in the work, and the active co-operation of hundreds of citizens, it is believed that in the following pages a standard, comprehensive and authentic History of New Mexico has been compiled, so that the ideals aimed at in the prospectus have been reasonably and satisfactorily attained.

## PUBLISHERS' NOTE.

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In the preparation of this work the Publishers are indebted in special manner to Mr. George B. Anderson, whose persistent labors, enthusiasm and historical insight have made it possible for the history to be prepared in accordance with the extensive plans laid down in the prospectus. The volumes have been brought to completion under Mr. Anderson's direction and largely through his individual labor, and the Publishers take this occasion to give him proper credit for his part in the publication.



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# History of New Mexico.

## EXPLORATION AND DISCOVERY

It was the "impious lust for gold" that brought the region that forms the territorial basis of this volume into the light of history. The succession of events preceding the discovery is interesting. In 1519 Alvarez de Piñeda, a Spanish explorer, having followed the gulf coast from Florida to Mexico and thence back to the mouth of the Mississippi, was, as it seems, the first European to sail upon that broad river, but more important than that to our present discussion is the fact that he was author of the report that the Indians dwelling on the banks of that river wore gold ornaments. No doubt this statement was a fiction, but, without regard to its truth or the subsequent career of its author, the report became an origin of a series of historical incidents.

Panfilo de Narvaez, aroused by Piñeda's mention of gold ornaments on the Mississippi Indians, and eager to outrival the conquest of the great Cortez, obtained permission to conquer and govern all the northern coast of the Gulf of Mexico. His expedition, which left Cuba in March, 1528, resulted in complete failure, the ships being wrecked and scattered and all but four men losing their lives. One of these four was Cabeza de Vaca, whose narrative of his wanderings has preserved his name and deeds to history. After many strange wanderings and terrible sufferings, he and his companions—namely, two other Spaniards, Dorantes and Castillo Maldonado, and a negro, named Stephen or "Little Stephen," crossed Texas and Chihuahua and Sonora, finally reaching the Spanish settlement at Culiacan, in May, 1536.

According to Donaldson, Cabeza de Vaca passed in his journey through Taos, Laguna, Acoma and Zúñi, and thence to the Gila, touching almost all the now known pueblos. However, Donaldson's authority for this line of march is quite vague, even if it be admitted that he has any authority whatever. De Vaca made no notes during his journey, and the stories told by him and his company did not agree in many essential particulars. The stories of the experiences of de Vaca and his companion are now regarded by the true student as grossly exaggerated, possibly for some personal reason. They had been made slaves by the Indian tribes among whom they sojourned, and for years had suffered from all sorts of privations. That they were the first Europeans to cross the continent is unquestioned; but there is absolutely no evidence to show that they traveled further north in the Rio Grande Valley than the site of El Paso, and it is extremely improbable that they struck the Gila. Why, when they were in search of their own race, should they select a mountainous rather than a comparatively level country? The most natural course for them to have

taken in their search for the Pacific Coast was through the northern part of Sonora.

De Vaca did not pass through New Mexico, but his journey disclosed the existence of a vast unexplored territory north of the land of the Montezumas. This territory at once became the land of mystery and the seat of all the fabled kingdoms which the widening course of exploration and discovery was continually disproving and pushing across the bounds of the known into the domain of the unknown, where the un baffled romanticism of the age would reconstruct anew its cities of golden splendor. De Vaca and his companions to quote the narrative of Castañeda, historian of Coronado's expedition, gave the viceroy an extended account of some powerful villages, four or five stories high, of which they had heard a great deal in the countries they had crossed, and other things very different from what turned out to be the truth. In this vague region imagination placed the Seven Cities of Cibola, whose luxuriance and wealth invited to spoliation. These Seven Cities, about which rumor had come to Spanish ears, were probably none other than the seven pueblos of Zuñi in New Mexico. The mystic number seven had long figured in historical romance, and while discovery was still at the borderland of the western world the existence of seven inland towns would naturally excite the wildest speculation. Even before de Vaca returned to civilization, bearing his wonder tales, the Spaniards of Mexico had heard of these cities to the north. An Indian in the possession of the governor of New Spain, Nuño de Guzman, often told of some very large villages to the north which he had visited in company with his father. "He had seen *seven* large towns which had streets of silver workers. It took forty days to go there, through a wilderness in which nothing grew except some very small plants about a span high." In search of this country, already named "The Seven Cities," de Guzman had arranged an expedition, but in consequence of the obstacles interposed by the mountains and desert, got no further than Culiacan.

Throughout these early expeditions we find the lure of gold the incentive to exploration and conquest. The kingdoms of the Montezumas had been possessed and spoliated, and Spanish conquistadors were seeking every new field to north or south that offered wealth or dominion. The vague knowledge of the regions to the north, based on native legend and adventurers' fiction, was soon to be tested and clarified by exploration and official investigation.

#### JOURNEY OF FRIAR MARCOS.

Eight years after Nuño de Guzman made his expedition he was deposed from the office of governor and the viceroy Don Antonio de Mendoza appointed to his place Francisco Vasquez de Coronado. The new governor was a man of wonderful energy and ambitions, and through his exploits in exploration and discovery his name has become one of the greatest in the lists of Spanish pioneers in the new world.

The avenues of discovery all led to the north, beyond the Sierra Madre mountains and the deserts of Chihuahua and Sonora. De Vaca's stories hastened the plans of the new governor, who began preparations for an expedition as soon as he had established himself in office. He had taken with him to Culiacan the negro Stephen, who had shared the hardships



and dangers with De Vaca, and three Franciscan friars, one of whom was named Friar Marcos of Nice. Marcos of Nice combined religious zeal with love of adventure, and his offer to explore the famed regions to the north was accepted by Coronado, who sent along as guide the negro Stephen and the two lay friars, besides a number of Indians.

The account of this journey of Marcos of Nice to the land of Cibola, as told by Pedro de Castañeda, who wrote the history of Coronado's explorations about twenty years after they took place, has such direct interest in this connection that this initial event in New Mexico's history may be told in the language of one whose point of view was only a few years removed from the actual occurrence.

"It seems," relates Castañeda,\* "that after the friars I have mentioned and the negro had started, the negro did not get on well with the friars, because he took the women that were given him and collected turquoises, and got together a stock of everything. Besides, the Indians in those places through which they went got along with the negro better, because they had seen him before. This was the reason he was sent on ahead to open up the way and pacify the Indians, so that when the others came along they had nothing to do except to keep an account of the things for which they were looking.

"After Stephen had left the friars he thought he could get all the reputation and honor himself, and that if he could discover those settlements with such famous high houses alone, he would be considered bold and courageous. \* \* \* He was so far ahead of the friars that when these reached Chichilticalli, which is on the edge of the wilderness, he was already at Cibola. \* \* \* As I said, Stephen reached Cibola loaded with a large quantity of turquoises they had given him and some beautiful women whom the Indians who followed him and carried his things were taking with them and had given him. These had followed him from all the settlements he had passed, believing that under his protection they could traverse the whole world without any danger.

"But as the people in this country were more intelligent than those who followed Stephen, they lodged him in a little hut they had outside their village, and the older men and the governors heard his story and took steps to find out the reason he had come to that country. For three days they made inquiries about him and held a council. The account which the negro gave them of two white men who were following him, sent by a great lord, who knew about the things in the sky, and how these were coming to instruct them in divine matters, made them think that he must be a spy or a guide for some nations who wished to come and conquer them, because it seemed to them unreasonable to say that the people were white in the country from which he came and that he was sent by them, he being black. Besides these other reasons, they thought it hard of him to ask them for turquoises and women, and so they decided to kill him. They did this, but they did not kill any of those who went with him, although they kept some young fellows, and allowed the others, about sixty persons, to return freely to their own country. As these, who were badly scared, were returning in flight, they happened to come upon the friars

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\*In George Parker Winship's edition of "The Journey of Coronado" (New York, 1904).

in the desert sixty leagues from Cibola, and told them the sad news, which frightened them so much that they would not even trust these folks who had been with the negro, but opened the packs they were carrying and gave away everything they had except the holy vestments for saying mass. They returned from here by double marches, prepared for anything, without seeing any more of the country except what the Indians told them."

Accepting this account of this first known expedition to the pueblos of New Mexico, it is reasonable to assume that the friars did not set foot on soil now comprised in this Territory, and Stephen alone visited the villages of Cibola and paid for his conduct with his life. Yet the incidents of this journey establish the first definite connection with this region, and form a link in the chain of circumstances which led to the exploration and occupation of the Territory. Marcos himself was content to view Cibola from a distance. Cibola, according to his description, translated into English by Hakluyt, is "situate on a plaine at the foot of a round hill, and maketh shew to bee a faire citie, and is better seated than any I have seene in these partes. The houses are builded in order, according as the Indians told me, all made of stone with divers stories and flatte roofes, as far as I could discern from a mountain, whither I ascended to view the cities."

Friar Marcos hastened south "with more fear than victuals," arriving at Culiacan in August, 1539, and reported to the governor with such elaboration the things which Stephen had discovered and what they had heard from the Indians, "that, without stopping for anything, the governor set off at once for the City of Mexico, taking Friar Marcos with him, to tell the viceroy about it." In a short time the capital of New Spain was astir with the preparation for an expedition which it was hoped would surpass all predecessors in discoveries of wealth and conquest of native tribes. Three hundred Spaniards and 800 natives soon assembled to take part in the expedition, to command which the viceroy appointed the tireless Coronado, governor of New Galicia.

#### THE CORONADO EXPEDITION.

In February, 1540, the members of the Cibola expedition assembled at Compostela, west of the City of Mexico, on the Pacific coast. On Easter day the army arrived at the city of Culiacan. Thence setting out with seventy-five horsemen and a few footmen in advance of the army, the general proceeded northward through the inhabited country as far as the Gila river, or Chichilticalli, "where the desert begins." Already discouraging reports had come in, many in direct refutation of the glowing pictures which Friar Marcos, who accompanied this expedition as chaplain, had drawn from his explorations of the preceding year. In the words of Castañeda, the general "could not help feeling somewhat downhearted, for, although the reports were very fine about what was ahead, there was nobody who had seen it except the Indians who went with the negro, and these had already been caught in some lies. Besides all this, he was much affected by seeing that the fame of Chichilticalli was summed up in one tumbledown house without any roof, although it appeared to have been a strong place at some former time, when it was inhabited, and it was very plain that it had been

built by a civilized and warlike race of strangers, who had come from a distance."

Fifteen days more of severe marching took them across what was called "the wilderness," to about the latitude of the Zuñi pueblos, where they turned to the right and entered what is now New Mexico. It was about the first of July when the expedition came in sight of the first of the famed "Seven Cities." This date, in the year 1540, may be taken as the starting point for New Mexico's history. It was forty-eight years after the discovery of America; it was sixty-seven years before the English settlement at Jamestown, eighty years before the landing of the Pilgrims, and more than two and a half centuries before the Mississippi valley and the Northwest became known to the world through the explorations of Lewis and Clarke—facts in the history of New Mexico which are not less impressive than interesting.

How different the realities of discovery are from alluring pictures drawn by such an idealist as Friar Marcos is set forth with much disgust by Casañeda, who throughout seems to take a rather pessimistic view of the situations and events connected with the expedition. "When they saw the first village," says he, "such were the curses that some hurled at Friar Marcos that I pray God may protect him from them. It is a little, crowded village, looking as if it had been crumpled all up together. There are ranch houses in New Spain which make a better appearance at a distance." Coronado himself, in a letter to Mendoza, says: "I can assure you that in reality he (Marcos) has not told the truth in a single thing that he has said, but everything is the reverse of what he said, except the name of the city and the large stone houses."

Coronado found the inhabitants unwilling to treat with him, the small number of his forces making them contemptible in the eyes of the Cibolans. He therefore charged the forces drawn up on the plain before the village, and, routing them, engaged in a sharp fight at the gates of the village, which in a brief time the Spaniards had entered and captured. This village of the Zuñis captured by Coronado was located several miles southwest of the village of their present New Mexican descendants.

For nearly two years Coronado and his army remained engaged in the work of exploration over a wide area of country, to which we now refer as the Southwest. The inhabitants of Cibola were soon brought under subjection, and successive expeditions to the surrounding villages brought a large portion of the native population under at least nominal dominion of Spain.

One of the first communities to which he directed his forces was the village groups of Moqui, in Arizona, to which he sent Don Pedro de Tovar with seventeen horsemen and several foot soldiers. "When they reached the region," quoting again from Castañeda's narrative, "they entered the country so quietly that nobody observed them, because there were no settlements or farms between one village and another, and the people do not leave the villages except to go to their farms, especially at this time, when they had heard that Cibola had been captured by very fierce people, who traveled on animals which ate people. This information was generally believed by those who had never seen horses, although it was so strange as to cause much wonder." A skirmish followed the approach of the Spaniards, but the natives were soon scattered by the firearms and discipline of

the strangers. "The people of the whole district came together that day and submitted themselves, and they allowed him to enter their villages freely to visit, buy, sell and barter with them."

The expedition of de Tovar led to the discovery of the Grand Canyon of the Colorado by de Cardenas, whose discovery was not the least of the results accomplished on the journey of Coronado. Describing the wonderful chasm, they estimated "the water was six feet across, although the Indians said it was half a league wide, and others that some huge rocks on the sides of the cliffs seemed to be as tall as a man, but those who went down swore that when they reached these rocks they were bigger than the great tower of Seville."

A similar commission was given Hernando de Alvarado, who visited the rock fortress of Acoma and received the submission of its inhabitants; thence proceeded northeasterly to the province of Tiguex, at or near the present Bernalillo. At Cicuye (Pecos) the people came out and welcomed the explorers with noise and ceremony. At this village the Spaniards met an Indian native of a country near Florida, who described a country rich in gold and silver and who was taken as a guide to this region. The Spaniards called the Indian "Turk," "because he looked like one," and afterward they might have added, "because he lied like one." The extravagance of his description, according to Castañeda, is illustrated in his assertions that "in his country there was a river two leagues wide, in which there were fishes as big as horses, and large numbers of very big canoes, with more than twenty rowers on a side, and that they carried sails, and that their lords sat on the poop under awnings, and on the prow they had a great golden eagle. He also said that the lord of that country took his afternoon nap under a great tree, on which were hung a great number of little golden bells, which put him to sleep as they swung in the air. He said also that every one had their ordinary dishes made of wrought plate, and the jugs and bowls were of gold." Either the Spanish explorer's imagination readily fashioned the crudest signs and most fragmentary words into golden pictures, or the native was quick to take his cue and feed his auditors with the splendid fictions which they craved.

Coronado made the headquarters of his expedition at Tiguex during the winter of 1540-41. Here the first signs of disaffection appeared among the people, who complained that the Spaniards had not observed the mutual friendship supposed to exist. Individual acts of aggression led to a revolt on the part of the inhabitants. This was put down with the merciless severity characteristic of Spanish rule, the villages being taken by rigorous siege and plundered, and hundreds of the people killed or made prisoners. So that, despite a generally lenient policy in regard to the rest of the country, "the twelve villages of Tiguex were not repopulated at all during the time the army was there, in spite of every promise of security that could possibly be given to them."

In April, 1541, Coronado, acting upon the information detailed by the "Turk," and taking him along as guide, set out in search of the fabulous Quivira, which, after Cibola, remained the seat of golden kingdom and wealth until completeness of exploration removed it forever from the thought of men. The beginning of this famous journey was made from Cicuye, or Pecos, and continued down the Pecos river until the plains

were reached. On the "Staked Plains" the explorers found countless herds of "cows"—buffalo, as we know them now—and the descriptions of these "hump-backed oxen" and the nomadic Indians who lived among them and subsisted on their food are among the first accounts of the region and its denizens which is now a large part of western Texas. After five weeks of journeying, mainly to the east, Coronado was no nearer the rich kingdoms than at the beginning, and finally lost faith in the stories of his guides. He was then at the headwaters of the Colorado, and from that point he directed the larger part of his forces to retrace the way to the pueblos, while he, with a force of thirty horsemen and without provisions except the meat of the buffaloes and other animals which they could kill, and relying on the buffalo chips for fuel, journeyed northward many days, until he had reached about the latitude of 40 degrees, or approximately the present boundary line between the states of Kansas and Nebraska. Here, to quote his letter to the king, "I arrived at the province they call Quivira, to which the guides were conducting me, and where they had described to me houses of stone with many stories, and not only are they not of stone, but of straw, but the people in them are as barbarous as all those whom I have seen and passed before this; they do not have cloaks, nor cotton of which to make these, but use the skins of the cattle they kill, which they tan, because they are settled among these on a very large river. \* \* \* In this province, of which the guides who brought me are natives, they received me peaceably, and, although they told me when I set out for it that I could not succeed in seeing it all in two months, there are not more than twenty-five villages of straw houses there and in all the rest of the country which I saw and learned about."

Discouraged by the meager results of his expedition, Coronado returned to the Rio Grande villages, and in the spring of 1542 withdrew his army of occupation, and in the fall reached Mexico, worn out and disheartened and without the conquest or wealth which he had hoped to gain. Yet he had discovered and, therefore, added to the dominion of Spain a vast territory, from the Grand Canyon of the Colorado to the plains of Texas and Kansas, and gained secure fame as one of the foremost explorers of the American continent.

One result which historians have conjectured to belong to Coronado's expedition should be noted. The great bands of wild horses which in more modern times roamed all over the western prairies are supposed to have sprung, in part at least, from the horses left in the country by Coronado, for it will be remembered that the horse is not indigenous to America and was not known on this continent until brought over by early Europeans.

#### EARLY MISSIONARIES.

The first practical missionary work on the part of the Franciscan Friars was that accomplished during the Coronado expedition by Fr. Juan de Padilla. He made the exhausting march to the elusive Quivira, believing that the Indians of that region would listen to religious teachings in a more receptive manner than those of Tiguex, on account of the inhuman manner in which the latter had been treated by Coronado. Some authorities think that Padilla actually reached Quivira and there met his death. Castañeda says that the friar and several companions remained

in the eastern country, and that he was killed because he expressed the intention of visiting Guyas, the inherent enemies of the Quivirans. The remainder of the party returned to New Spain, he states, and the Indians from Capetlan buried the priest. Jaramillo thinks that he may have been killed by his guides at the instigation of the Tiguex Indians. There is a tradition that Padilla's body lies in the old church at Isleta, and that it is resurrected from beneath the earth once in every ten years.

The following accounts of the earliest martyrs of the church in New Mexico are condensed from the sketches by Very Rev. James H. Defouri:

Juan de Padilla was a native of Andalucia. The first time we hear of him he was guardian of the convent of Tulancingo, in the present state of Hidalgo, between 1525 and 1535. From Tulancingo he was appointed guardian of the convent of Tzapotlan. He remained in office at Tzapotlan until the year 1540, when, in company with the celebrated Marcos de Niza, he joined the expedition of Coronado. When Coronado made his remarkable dash to the north and northeast as far as Quivira, and many say across the plains to the Missouri river, Father Padilla accompanied him. At the return of his unsuccessful and foolish expedition, Coronado spent at Tiguex the winter of 1541-42. Early in the spring he departed for Mexico, leaving behind Fr. Juan de Padilla and the two lay brothers, Juan de la Cruz and Luis de Escalone, with the Portuguese soldier named Campos, or, as some others call him, Andres del Campo. Two years afterward Juan de Padilla left Tiguex and went farther, with Andres del Campo and two *Donados*, that is, men given to the service of the church, Lucas and Sebastian.

The people of Quivira received Fr. Padilla and his companions with great and sincere demonstrations of joy. There he stayed for a time, but, burning with zeal for the conversion of souls, he resolved to visit another tribe, at war with the people of La Quivira. They tried to hinder him, and as he was determined to go they became jealous, and, naturally suspicious, as are all the Indians, they accused him of treason. Not satisfied with the progress he had made in Quivira, the holy man went on his journey. He left with all his followers, but without the guides who had brought him to Quivira.

In regard to the manner of Padilla's death the versions differ. Some affirm that, having departed, he came to a grave where he had before planted a cross, knelt there to say his prayers, and that while on his knees the Indians of Quivira, following, pierced him with arrows, on the 30th of November of the year 1542. The Indians, it is said, covered him with a heap of rocks, and this became his monument. Others say that Juan de Padilla left Quivira against the wishes of the people, and that when he neared the pueblo which he was going to evangelize these barbarians ran in tumult to meet him. The venerable man begged the Portuguese, Lucas and Sebastian, to fly to save themselves, and with a spirit from heaven he put himself on his knees and there was pierced by a thousand arrows, and a heap of stones was the monument with which they decorated his tomb. Juan de Padilla died, probably, in what is now Kansas.

Juan de la Cruz was born in France, but his family name is not known, for this is the name he bore in religion. The first we know of him is the date of his coming to New Mexico in the expedition of Coronado. He was considered as a saint by the soldiers, and Coronado ordered them

to uncover their heads on hearing or reading his name. On the departure of Coronado for Mexico he remained at Tiguex for a time, teaching the faith. But, burning with zeal for the conversion of souls, he left Tiguex and went to some other pueblo, not known, to form a new fold for Christ, and there all trace is lost of him, except that it is known he suffered a violent death at their hands while preaching to them. These events came to pass shortly after 1542. Juan de la Cruz was a man of great age, loved by all, anxious to suffer martyrdom for God; he expected and frequently spoke of his approaching death.

Luis de Escalone, also called Luis de Ubeda, probably from the place of his birth, was not a priest, but only a brother of the Franciscan order. He was appointed to accompany Juan de la Cruz at the time of Coronado's expedition. He was advanced in years and, like Juan de la Cruz, he often spoke of his impending death. At the departure of Coronado for Mexico he remained at Tiguex with the two other friars. During his stay in Tiguex, Coronado had become possessed of numerous flocks. These he put under the care of Brother Luis, who left Tiguex with the flocks, and, with the help of some Indian herders, drove them toward Pecos. That tribe received him well. But after a time the medicine men, as is most possible, if not absolutely certain, instigated by the love of gain and by their hatred of religion, roused the people against the brother. He met with a violent death, although it is not known how, and the flocks were divided among the people. It is surmised that he was pierced with arrows while at prayer.

Thus died the three first Franciscans who made a stay in New Mexico as early as 1540 to plant the faith in the country.

Coronado's report of his expedition was not such as to encourage any further immediate effort at exploration, and the next mention made of this part of the territory, in the Spanish accounts, appears under the date of 1551. In that year Sanchez Chamuscado, in command of twenty-eight men, escorted three Franciscan friars—Juan de Santa Maria, Augustino Rodriguez and Francisco Lopez—to the pueblo country, where they entered upon their missionary efforts to Christianize the native inhabitants. These priests, with their servants, took up their abode among the Indians, and the military escort returned to Mexico. Not long afterward two of the servants arrived in Mexico, bearing the news that all three of the priests had been assassinated and that they themselves had barely escaped with their lives. Santa Maria was killed while returning to New Spain to enlist the co-operation of additional missionaries. The two others returned to Puaray, where Lopez also was killed. Ruiz met his death at the hands of the Indians of the pueblo of Santiago, where he had sought refuge.

#### ESPEJO EXPEDITION.

When the soldiers who had fled from Puarav arrived at the mission of Santa Barbara and described the dangers which confronted the missionaries they had abandoned, the Franciscan fathers immediately laid plans for their relief, hoping to bring them back to Santa Barbara and San Bartolome. On account of the great distance to the headquarters of the viceroy in the City of Mexico it was determined to undertake the expedition with-

out consulting him. Don Antonio de Espejo, a wealthy Spaniard who had resided in Mexico, who was then visiting at Santa Barbara, volunteered to equip an expedition at his own expense and start at once in search of the menaced missionaries. The offer was gratefully accepted, and in the absence of royal authority permission to make the journey was granted by the local alcalde (mayor).

On November 10, 1582, Espejo left San Bartolome with one hundred and fifteen men, pack mules and plenty of arms, ammunition and provisions. Fr. Barnardine Beltran accompanied the party as chaplain. Their course lay along the Rio Grande, or as near to that stream as they found practicable. The following winter they reached the Pueblo of Tiguex, which Espejo calls Paola, where they learned that the report of the escaped servants of the three missionaries was the truth. Fr. Baltran had accompanied the party, and he and Espejo determined to see as much of the settled country as possible before their return. They proceeded westward through what are now the counties of Sandoval, Bernalillo and Valencia, visiting the pueblos of Acoma and Zuñi and the Hopi or Moqui villages, traveling as far west as the foot of the San Francisco mountains in Arizona. Their return east was over practically the same route they had traversed in going, and they arrived at what is now Laguna late in the spring of 1583. They also visited a number of the pueblos in the Rio Grande valley, continuing their march to the Pecos village, thence following the Pecos river to its mouth, and from there proceeded to Mexico.

Both these men, Beltran and Espejo, were men of humane instincts and intelligence, which lifted them above the early adventurers and some of the explorers of later days. Fr. Beltran evidently knew something of the character of the military commander he had chosen, and evidently was determined upon making the relief expedition appear as peaceful and helpful as possible. Coronado's great march was a long story of blood, theft and the torch after his arrival in the vicinity of Tiguex, and in his narrative he undoubtedly eliminated many incidents of an unsavory character. The account of Espejo, on the other hand, is especially valuable, as it contains a detailed description of the country and its inhabitants. The strangest things he saw, according to the impression it made upon him, were "shoes and boots with good soles of neat's leather" on the feet of the men and women, "a thing which we never saw in any other part of New Mexico. The women keep their hair well combed and dressed, wearing nothing else on their heads. In all these towns they had caciques, people like the caciques of Mexico, with sergeants to execute their commands, who go through the town proclaiming with a loud voice the pleasure of the cacique, commanding the same to be put into execution." He found that their weapons, strong bows and arrows headed with flint, would "pierce through a coat of mail." He also described their "macanas, which are clubs of half a yard to a yard long, so set with sharp flints that they are sufficient to cleave a man asunder in the midst. They also use a kind of shield made of rawhide." Espejo, being a practical miner, made a thorough examination of the mineral resources of the country, and speaks in flattering terms of the mineral deposits. But we know that the early Spanish idea regarding the mineral wealth of New Mexico was exceedingly romantic. Their conception and belief regarding the fabled Seven Cities of Cibola and the Gran Quivira well illustrate this fact. The feverish pursuit after precious metals and



stones, following the great discoveries by Cortez in Mexico and by Pizarro in Peru, appears to have been the chief incentive of most of the early explorations in this Territory.

In 1862 Theodore Greiner, then agent for the Pueblo Indians, found in the pueblo of San Juan an ancient document which apparently records an interview between Cortez and Guatimotzin, in which the latter is recorded as saying in response to an inquiry regarding the provinces of New Mexico and the extent of her gold and silver:

"I command this province, which is the first of New Mexico, the Pueblo of Tigüeyo, which governs one hundred and two pueblos. In this pueblo there is a great mine close by, in which they cut with stone hatchets the gold of my crown. The great province of Zuñi, where was born the great Malinche. This pueblo is very large, increasing in Indians of light complexion, who are governed well. In this province is a silver mine, and this capital controls eighteen pueblos. The province of Moqui, the province of the Navajos, the great province of the Gran Quivira, that governs the pueblos of the Quercs and the Tanos. These provinces have different tongues, which only Malinche understands. The province of Acoma, in which there is a blackish colored hill, in which there is found a silver mine."

## SPANISH CONQUEST UNDER ONATE.

The accounts of the Espejo expedition reawakened interest in the country to the north, and the authorities of New Spain, in co-operation with the religious bodies, now determined upon a permanent occupation of the Rio Grande region. Spanish conquest and occupation of New Mexico begins with the expedition of Juan de Oñate. This conquistador, having laid before the viceroy his plan for annexing the great northern country, with its reputed wealthy cities and golden resources, received permission, in the fall of 1595, to undertake the conquest and was granted broad civil and military authority in the territory which he should conquer.

In Oñate's memorial to the crown, dated September 21, 1595, petitioning for permission to found a colony of the Rio Del Norte, he refers to an adventurer known as Captain Francisco de Layva Bonillo, who had previously entered the province without the king's permission. By decree of the king Oñate was authorized to arrest and punish Bonillo, but there is no record of the capture of the latter.

Oñate pledged himself to take into New Mexico two hundred soldiers and supplies and provisions sufficient to carry his colony through one year. These included horses, black cattle, sheep, merchandise and agricultural and mechanical implements. In his memorial Oñate also stipulated for some extraordinary provisions on the part of the crown, including artillery, smaller arms and ammunition; six priests with all the paraphernalia necessary to the establishment of as many churches; a loan of \$20,000 from the royal treasury; a grant of land thirty leagues square wherever he might choose to locate it, with all the Indians residing upon it; the hereditary title of marquis to be conferred upon him; the office of governor and the rank of captain general for four generations; a salary of 8,000 Castilian ducats per year; the privilege of working mines exempt from the usual royal tax; permission to divide the Indian inhabitants among his officers and men as slaves; and numerous other distinctions, immunities and powers which, had they been conferred in full, would have given him a power more despotic than that of the king himself. The demands were not all conceded, but the document is valuable as illustrating the manner in which the noble Spanish conquerors sought the pacification and conversion of the aborigines, and the lust for power and gold which disgraced all the Spanish conquest expeditions in America.

"In case the natives are unwilling to come quietly to the acknowledgment of the true Christian faith," inquires Oñate, "and listen to the evangelical word, and give obedience to the king our sovereign, what shall be done with them, that we may proceed according to the laws of the Catholic church and the ordinances of his Majesty? And what tributes, that they may be Christianly borne, shall be imposed upon them, as well for the crown as for the adventurers?" Not only Oñate, but many of his successors and the missionaries of the Roman Catholic church, not only robbed the

Indians of the land and their chattels, but compelled them to pay tribute besides. They compelled the natives to acknowledge a faith of which they had no knowledge, administering baptism at the point of the bayonet, administering to the king vainglorious reports of the spread of Christianity through their efforts. The Indians appear to have been of a remarkably pacific and docile character during the early years of Spanish occupation, giving Oñate little trouble in consummating his original plans. Acknowledging the civil and religious authority of the conquerors with little or no protest, their subjugation was a matter ridiculously easy. It was not until they had been made desperate by reason of demands they were unable to comply with that they exhibited a spirit of resistance.

Followers for Oñate's northern invasion came in ample numbers as soon as his plans were made public, and in a brief time his army and equipment were complete. The prospective success of this undertaking almost proved its own undoing, for jealousy on the part of the rivals of Oñate and their desire to supplant him as leader of the invasion, being elements of influence with the newly appointed viceroy, delayed the start for nearly a year. In fact, it was not till early in 1598 that Oñate succeeded in passing the last of the inspections and visitations so that he could direct his course unhampered, by difficulties of official red tape at least, toward the northern country. Crossing the Conchos and Rio Grande rivers, in April, 1598, he took formal possession of the new region, and from the vicinity of El Paso proceeded up the Rio Grande to about the 36th parallel, north of the present Santa Fe. On the way he had obtained the submission of all the pueblo communities, the natives being found very tractable as to questions of sovereignty and religious doctrine. Just above latitude 36, Oñate established his capital or center of operations, near the native town which the Spaniards called San Juan, and until the founding of Santa Fé, some years later, this was the main stronghold of civilization in the region then known as New Mexico.

There seem to have been some elements of permanence and real stability in Oñate's army of invasion, for a large proportion were soldier-colonists, accompanied on this expedition by their families, and also taking with them the tools and implements for use in permanent occupation. But the fact that Oñate's expedition did bear fruit in lasting colonization—a fact worthy of notice in contrast with the many unsuccessful attempts, about this time, to plant colonies in various parts of the new world—is not to be attributed entirely to the character and stamina of the individual members of the army of conquest; but in a larger degree to the ease with which the settlers could obtain their subsistence from the land and its inhabitants, to the peaceableness of the natives, and to the semi-civilization which already existed in the country. These are factors of importance in connection with the pioneer period of New Mexico's history which sharply differentiates this Territory from every other division of the United States. And also at this point may be stated the eminent contrast between new world colonization as undertaken by the Spaniards and French on the one hand, and the English on the other. The Pilgrims that landed in 1620 on Plymouth Rock contained in themselves all the elements of sufficiency as a settlement—given a land of freedom and of moderate fertility, however uninviting and bare the first prospects, they would wring therefrom the means of existence, would build their schools and churches and ordain the

principles and institutions of organized society, and, protecting with arms their inward integrity from hostile attack without, would flourish independent of all local conditions. The ideals of colonization with the Spanish and French were different; they assumed to establish their colonies either in conjunction with the native tribes or as superimposed upon them in the relation of an imperial government to a subjected people. As history proves, these foundations for their proposed social and political structure were in the great majority of cases unstable and flimsy. The natives of America, excepting those in Peru and Mexico, had no settled occupations, no institutions, no permanent civic organization; they were nomadic, improvident and intractable, and could no more form an integral part of a social structure built on European ideals than oil can mingle with water. For these reasons Spanish colonization was extended successfully and permanently only into those portions of the new world where some degree of civilization held the aborigines in a more or less compact national or tribal system.

From San Juan, Oñate directed the work of exploration and conquest in all directions, and soon all the pueblos recognized the authority of the conquistador, in September of 1598 a convention of native chiefs being held at San Juan, at which their formal submission was renewed. Co-operating with their usual zeal in this conquest, the friars made converts among the docile natives and established the institutions of religion as the foremost objects of the occupation, a church being dedicated at San Juan in September with great ceremonies.

One of the last caciques or Indian chieftains to comply with the demand of Oñate was that of Zuta-Kapan, cacique of Acoma, who sullenly and most unwillingly took the oath October 27, 1598. On December 4 following, Captain Juan de Zaldivar, who had been sent ahead to rendezvous in what is now the Moqui country, camped at the foot of the Acoma mesa with his little command. Confident of the fealty and friendship of the Indians, the Spaniards climbed the steep and rough trail and scattered through the pueblo in small groups. Suddenly, without a moment's warning, the Indians attacked them and in a hand to hand conflict overpowered them by sheer force of numbers. Zaldivar was killed, and ten of his followers met a similar fate. Two servants were cast into deep crevices in the rock and perished miserably. Five soldiers jumped to the valley below; one of these was instantly killed, but the other four escaped, and carried the news of the treachery back to Oñate. The latter immediately dispatched a force of seventy well-armed men, in command of Vicente de Zaldivar, to punish the Acomas. They arrived at the foot of the pueblo January 21, 1599, and on the following day began the attack, the fight continuing two days and one night before the Indians laid down their arms. Of the 3,000 inhabitants of the pueblo, the account states that but 600 remained, and that these were compelled to abandon their village and build one on the plain below, the original town being destroyed. In the light of modern research and specific inquiries among these Indians, it is not probable that this battle occurred at Acoma. The people of this pueblo have no tradition of such a fight in the destruction of their town. Furthermore, the old pueblo shows no evidence of having been razed, nor is there any indication of a settlement on the plain anywhere in that vicinity. If the record is true, in the essential facts, the Spaniards probably attacked some other pueblo

in the belief that they were at Acoma. Within twenty miles of Acoma there are numerous pueblo ruins. One of these in particular, located about sixteen miles west of the present pueblo, the place now known as the Montezuma Mesa, is a ruin of two villages close together on the summit of a rock of about the same dimensions as that of Acoma. A study of these ruins suggests the probability that the pueblo was destroyed by some other force than that of the slow disintegration of time and the erosive forces of nature. At the foot of this mesa are the ruins of a smaller town, which possibly may be the town erected under the compulsion of Zaldivar.

On October 7, 1604, Oñate set forth with thirty-two men on his last trip of exploration recorded by historians. Hoping to gather more definite information regarding the country to the west, he passed through Acoma, Zuñi and the Moqui pueblos, and thence to southern California by way of the Gila river. The return journey nearly resulted in the extermination of the party by reason of lack of food and water. They reached Zuñi in the spring of 1605.

In 1604 Oñate left San Gabriel for the purpose of exploring the region west of the Rio Grande. He visited Zuñi and the Moqui villages and the Colorado river, thence traveled south to the Gila, following the latter to its mouth and penetrating to the mouth of the Colorado. Some time after his return he abandoned San Gabriel as the seat of government, for the reason that he had not sufficient military force to protect two settlements, and deemed it wisest to concentrate all the white population and make the capital of the province at the new town of Santa Fé, which was first settled about 1607.

A. F. Bandelier, in "The Gilded Man," conclusively disproves the assertions that Santa Fé is the oldest town in America, placing before its settlement San Augustine in Florida in 1560 and dating the beginning of Santa Fé not earlier than 1607. This eminent authority on the archeology of the southwest also refutes the claim that an Indian pueblo occupied the site of the city at the time of the Spanish occupation. "That the place and even the district," decides Mr. Bandelier, "played no prominent part in the sixteenth century, appears from the fact that no Spanish document specially mentions it till after the founding of the capital." It is not mentioned by the historians of the Coronado expedition. No Spaniard came to New Mexico after that occupation until 1580, and the missionaries who came in that year did not set foot on the Santa Fé plateau. Nor was Santa Fé founded by Espejo in 1583, whose expedition, consisting of himself and only fourteen followers, contained no possibilities or purposes of colonization. Oñate's settlement near the present Chamita, thirty miles north of Santa Fé was the first permanent Spanish post and was established in 1598. It was given the title "San Francisco de los Españoles," and in the following year the colony took the name of San Gabriel, by which the locality has ever since been identified, although evidences of a village long since disappeared. San Gabriel was the only Spanish settlement until 1608, in which year the governor took up his seat at Santa Fé.

Some writers express the conviction that soon after the founding of the town, Oñate and the friars who were with him began the construction of a church, probably that of San Miguel, though there is no authentic record of the fact. This church was destroyed during the uprising of 1680.

Speaking of the "villa of Santa Fé, head of this kingdom," Benavides, in his memorial of 1630, states its Spanish population as 250, though only about fifty capable of defense and bearing arms. Later estimates of the capital's population give it, in 1749, 965 Spaniards and 575 Indians;

In 1760, a population of.....	1,285.
In 1788, " " .....	2,244.
In 1793, " " .....	2,419.
In 1799, " " .....	4,194.

#### BENAVIDES' REPORT.

In a *cedula*, dated at Madrid, November 15, 1627, King Philip IV, replying to report of Juan de Santander, commissary general of the Indies, on the missionary work in New Mexico, stated that it was "more than thirty years since the religious (of the Franciscan order) made a beginning on the conversion of New Mexico" (at the time of Oñate's conquest); that during the first twelve years of their labors they were unable to make any spiritual conquests; that "some five years since" (1622) the province of New Mexico was erected into a *custodia*, and Fr. Alphonso Benavides appointed its custodio; that Benavides had taken twenty-six ministers with him, but "at present there are only sixteen priests and three lay brothers, the rest being dead," the living being unable adequately to care for thirty-four thousand three hundred and twenty Indians. In view of this condition of affairs the *cedula* directed that "to the said custody of New Mexico be sent thirty religious for the said conversion and indoctrination of the Indians."

In conformity with this royal decree the additional missionaries were sent in 1692. Through them "the Lord hath wrought so many marvels and miracles and made so splendid discoveries of riches, spiritual as well as temporal," that in the following year (1630) Fr. Benavides journeyed in person to the court of the king and presented his "memorial" on New Mexican affairs.

This Benavides memorial is one of the most important records on the state of New Mexican affairs before the revolt of 1680. The descriptive extracts and facts given in the following paragraphs are taken from the very careful translation and editing of the memorial as published in "Land of Sunshine" (Vols. 13 and 14), by Mr. Charles F. Lummis:

The nation or people who live on the way to New Mexico (between Rio Conchos and Rio Grande) are the tribes named the Tobosos, the Tarahumares, the Tepeoanes, the Tomites, the Sumas, the Hanos and others, all of whom he characterized as very wild and often at war with one another.

The nation called the Mansos, peaceable Indians, are on the Rio del Norte, "a hundred leagues before reaching New Mexico," and "since they are at the crossing (el passo) of this river they must always be encountered." They live in small huts covered with foliage. The men wore no clothing of any kind. They ate their meats raw and did not take the trouble of removing the intestines of animals before devouring them.

Benavides recommends that a mission and a guard be established at the crossing, since "under this security would be settled many very rich mining camps, which are all along this road, and splendid ranch sites."

The beginning of the huge Apache nation is thirty leagues north of the Mansos. Passing by them, "we reach the Rio del Norte again, on whose banks commence the settlements of New Mexico in the order following:"

In the province and nation of the Piros was the first series of semi-civilized pueblos found in the journey to the north. The Piros were described as an agricultural and hunting people, dwelling in an exceedingly fertile land. They were among the last of the tribes to accept Christianity, their chief pueblo being dedicated "to the most holy virgin of Socorro" in 1626. The three monasteries and churches were founded, "one in the pueblo of Senecu, another in the pueblo of Pilabo, and the other in the pueblo of Sivilleta." The province of the Piros extended along the river fifteen leagues, from the first pueblo of Senecu to the last, of Sivilleta. Altogether there were fourteen pueblos, the chief being Socorro, on both sides of the river, with six thousand inhabitants, "all baptized."

Teoa (Tigua) nation, seven leagues north of Piros, comprised fifteen or sixteen towns located on the river and embracing a district of about thirteen leagues. It had seven thousand inhabitants and the convents of San Antonio de Sandia and San Antonio (Augustin) de Isleta.

The nation of the Queres dwelt four leagues above the Teoa, the first town of which was San Felipe. There were seven villages, with a population of four thousand, three convents and a church in each pueblo.

The nation of the Tompiras, ten leagues east of the Queres, the first town of which was Chilili. There were fourteen or fifteen villages, containing ten thousand inhabitants, with good churches and six monasteries.

The Tanos nation, ten leagues' march of the Tompiros, has five villages, with four thousand inhabitants, convent and church, and a training school in all the trades.

The Pecos nation, four leagues north of the Tanos, with two thousand inhabitants, a convent and a very elaborate church and good schools.

La Ville de Santa Fé, seven leagues west of the Pecos, the capital, with a population of two hundred and fifty Spaniards, only fifty of whom were armed. The total population was about one thousand.

"By authority of the governor the soldiers are appointed chiefs of the Indian pueblos, from whom they receive a tribute which is sufficient for their maintenance, and even for enabling them to help the needy among their countrymen." \* \* \*

The church in the city was a poor hut. The religious, thus far, had built churches for the Indians in the pueblos where they resided, and left to the Spaniards the care of building a church for themselves. "And so," says Benavides, "as soon as I came in as custodio (1622) I commenced to build the church and monastery." Benavides completed the convent and church in Santa Fé in 1629. This appears to be the first church in that city of which there is any authentic record. If the church of San Miguel had been constructed prior to that time it had not been rebuilt. From the report of Benavides one can hardly conclude that any church had been erected prior to 1629 or 1630. The building of the early church of San Miguel is clearly open to doubt.

The Toas nation (possibly the Tegua), eight towns, was located between Santa Fé and the Rio Grande, and contained six thousand people. Benavides reported that this was the first nation to embrace the Christian



faith. It had churches and three convents, the church at San Ildefonso being particularly attractive. Benavides states that one of the friars taught the San Ildefonso Indians to irrigate their lands with the river water by means of dams and ditches.

The Hemes (Jemez) nation, west of the Toas about seven leagues, had two towns, St. Joseph and San Diego, with three thousand population.

The Picuries nation, located about ten leagues up the river from the Toas, had a population of about two thousand, residing in one village. They properly belonged to the nation of the Toas, but were considered as another race, having lived by themselves for a long time.

The Toas nation, located seven leagues north of the Picuries, had a population of twenty-five hundred, baptized, and, though of the same nation as the Picuries originally, they spoke a somewhat different language.

The Rock of Acoma, twelve leagues west from the town of Santa Ana, in the Queres province, did not consent to receive the missionaries until 1629.

The province of Zuñi, thirty leagues west of Acoma, consisted of eleven or twelve villages, with a population of ten thousand, having two convents and two churches.

The Moqui nation, thirty leagues west of the Zuñis, had a population of ten thousand, the people distributed among several villages.

The Navajos, who at first resisted the efforts of the missionaries, finally consented to attend services at the mission of Santa Clara, in the Toa nation, which was built in 1629.

The eighty years succeeding the revolt of Acoma are barren of important chronicles. After Oñate various governors succeeded each other, and while the work of exploration and the extension of Spanish control was continued, there is a dearth of the conspicuous in the scanty annals of the period. One source of trouble early manifested itself among the colonists. There were three elements among them, each with different ideals and purposes. The governor was bent on enlarging the realms of his conquest, bringing the natives in subjection and collecting tribute for further expeditions, and, of course, he had the support of all who preferred active service to settled occupation. Opposed, on general terms, to these designs were the colonists, who had brought their families into the country and who favored the encouragement of agriculture as a means to permanent residence. The friars, on their part, regarded the conversion of the natives as the prime object of the conquest, and entered with zeal only into those movements which tended to bring about the growth of their spiritual kingdom. Thus, being often at cross purposes, the Spanish occupation during this period was marked by little real progress.

But the rapidity with which the native tribes became Christianized, nominally at least, shows that the padres were exceedingly diligent in carrying out their part of the conquest. Accompanying Oñate on his expedition in 1598 were eight priests and two lay brothers, all of the Franciscan order—Fr. Alonzo Martinez, Fr. Francisco de San Miguel, Fr. Francisco de Zamora, Fr. Juan de Rosas, Fr. Alonzo de Lugo, Fr. Andres Corchado, Fr. Juan Claros, Fr. Cristobal de Salazar, and Juan de Bustamante and Pedro de Vergara. According to the Benavides report, made



in 1630, there were in New Mexico fifty friars engaged in the work of the missions, serving over sixty thousand Christian natives in over ninety pueblos, grouped in twenty-five missions. As the bulwark and defense of these missionary enterprises there was a garrison of about two hundred and fifty soldiers at Santa Fé. The complete submissiveness of the Indians is the factor by which we must account for such an extensive system being made possible, and, in fact, the natives in the surrounding pueblos were easily controlled, while the wild Apaches and other outlying tribes did not begin their depredations until after 1670.

## THE REVOLT OF 1680

The dominion of Spain in the pueblos was rudely shattered in 1680. The ease with which the revolution was accomplished shows how superficial was the civilization imposed by the civil and ecclesiastical authorities from Mexico and how imperfectly the European and the native populations had been welded. Also it indicates how small and inefficient as an army of occupation was the Spanish force in New Mexico at the time. The natives had hitherto been tractable and submitted themselves easily to the Spanish overlords and the padres of the missions.

The relations between the Spaniards and the natives, while naturally not grateful to the latter as the class in subjection, were not characterized by the severity and harsh mastery which has sometimes been alleged. A saner historical view of Spanish dominion in the new world has shorn it of many barbarous and inhuman aspects which formerly colored with passion and prejudice the narratives of historians. The pueblos were required to contribute a burdensome share of their products in grain and labor to the secular and religious establishments. It has been asserted that the uprising of 1680 was due to the hard labor to which the Indians were subjected in the mines. But there was no mining in New Mexico till after 1725, which completely refutes any such theory. The compulsory labor on the part of the Indians was limited to service in the missions. But in return the mission garrisons afforded them protection from hostile tribes, and shared their provisions in times of famine, and lent their personal ministrations at all times for the physical and spiritual welfare of the Indians.

The zeal of the padres in stamping out the native witchcraft and religious practices was, indeed, no small factor in producing the uprising. The spirit of the Inquisition and the bigotry of the sixteenth and seventeenth centuries animated the Spanish conquerors in the new world, even though its practices seldom reached the refinement of cruelty known in the old world. The Indian religious arts and superstitions, therefore, were everywhere repressed with conscientious rigor, and the native priests were ready to foment and aid rebellion whenever opportunity offered.

One of the Indian chiefs, Popè by name, a San Juan Indian, had taken part in an outbreak in 1675, and until the Spanish were driven from the country was foremost in agitating the Indians and endeavoring to combine the Apaches and the pueblo tribes against the Spanish. It was to the wild tribes under the general name of Apaches that the disturbances preceding 1680 were attributed. The missions were in constant danger from their attacks, and the natives suffered also from the raids. This condition of affairs and the insufficient state of defense and lack of arms were reported to the royal authorities, and after long delay a relief force was started north in the fall of 1679, but arrived only in time to succor the fugitives hurrying south from the ruined missions.

August 10, 1680, was the fatal day marking the close of the first epoch in the history of civilization in New Mexico. The outbreak, whose moving spirit was Popé, had been planned with greatest secrecy and among all the pueblos except the Piro in the south, who continued loyal to the Spaniards. The leaders showed unusual skill in organizing the revolt and in keeping their plans secret. The difficulties of preconcerting the movement over such a wide territory cause the narrow margin of failure from complete success to detract little from the ingenuity and skill of the campaign. The plot was revealed in several missions, in spite of the most rigorous precautions. This hastened the decisive action, which had been set for a later date, and on the morning of the 10th the missions among the northern pueblos were given to destruction by sword and fire. It was a war of extermination, and none were spared who fell into the hands of the rebels.

The revolt was most successful among the Tehuas, Taos and Picuries, in the northern and frontier districts. The governor at Santa Fé had been apprised of the threatened attack, and had sent warnings to the neighboring missions and instructing the colonists to gather for defense at the capital or at Isleta. South of Santa Fé the alarm had been given in time to save the settlers from death, but north of the capital only the priest at Cochiti and the one at Zuñi escaped. Popular references to the massacre have usually exaggerated the number of those who perished into the thousands, although the actual number was between 400 and 500, including twenty-one missionaries.

Governor Otermin, with his garrison and the refugees assembled at Santa Fé, was now in a most serious position. He lacked most of all arms and ammunition, without which no effective attack could be made on the enemy, nor could a state of siege be long endured. When a force of Indians from the Pecos region arrived before the city on August 14, he at first tried to treat with them, but found them determined that the Spaniards should either abandon the country entirely or accept the fortunes of merciless war. A whole day's battle before the city was indecisive, and the arrival of fresh Indian forces from the north compelled the governor to withdraw his troops within the walls. The siege was protracted for several days, a garrison of 150 withstanding 3,000 of the enemy and with only few fatalities. But the lack of ammunition made it impossible long to continue the conflict, and finally after a sortie which drove back the Indians, it was decided to abandon the capital and retreat to Isleta.\*

The Indians did not attempt to restrain them in their progress nor harass them, and the army of soldiers, settlers, padres, women and children

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\*NOTE.—A. F. Bandelier, in his accounts of the "Siege of Santa Fé, 1680," justifies the abandonment of the capital by Otermin, after he had succeeded in maintaining his position from the 10th to the 20th of August. "Otermin," he says, "did conquer the Indians that came to Santa Fé; he whipped the people of Galisteo, Pecos, Tezuque and other neighboring pueblos, but he had no provisions. The families who needed his protection were many. It is generally computed that they were about 1,500 persons, including his 150 soldiers. Still, with those 150 soldiers he could have reconquered the whole of New Mexico. The Indians were afraid of their guns; but alas! ammunition was wanting, as well as provisions, and the country was hostile. Otermin took the only chance he had, and started with his numerous escort. The soldiers had empty guns, but it was enough to keep the Indians at a distance."

marched south, through the devastated missions of San Felipe and Sandia, to Isleta, whence the force of refugees had departed under Captain Garcia, contrary to the governor's orders, and thence down the Rio Grande as far as Fra Cristobal. Here the supply train sent up from the City of Mexico the previous year met the exiles. Nevertheless it was decided impracticable to attempt to recover New Mexico at this time, and the entire surviving population of New Mexico was soon encamped about El Paso, which dates its founding as a military station and center of population from the concentration of the refugees from New Mexico at this point until the campaign of reconquest could be undertaken.

In the extensive study of the Zúñis in the Twenty-third Report of the Bureau of Ethnology, the writer (Matilda Coxe Stevenson) gives the following narrative accounts of the revolt of 1680, as related by some of the priests of the tribe:

"When the Pueblo Indians as a body planned to revolt, the Zúñis went to the mesa called by them Towa yallanne (Corn mountain) and prepared for defense. On their way they poisoned a number of springs. They also deposited stones near the brink of the mesa, for use as missiles. The Spanish priest who was with them at the time accompanied them to the mesa. When the Spaniards came to avenge the supposed death of the priest, who had long since adopted the dress of the Zúñis, having none other to wear, they were met with missiles hurled from the mesa and with small shells filled with magic medicine, that could not fail in its purpose, ejected from the mouths of the keeper of the *tsu thlanna* (great shell) and his deputy. Finally, the rain priests scraped a buckskin and requested the foreign priest to write upon it telling the Spaniards that he was safe and greatly beloved by the Zúñis. This he did, and learning of the safety of the priest, the Spaniards departed."

#### Another narrative runs:

"After the old church was built in Stawanna a Spanish priest resided permanently at the village. After a time the Zúñis came to believe that they were to be destroyed by the Spaniards, and they planned a revolt. They told all their women and children to refrain from attending services on a certain day, and the men, providing themselves with bows and arrows, which they had under their blankets, started for the church. The Indians found only a few Spaniards in the church. They locked their doors and killed all but the priest and one other, who escaped through the roof."

In Fr. Defouri's "Martyrs of New Mexico" he says:

"The Indians gave a strange account of the reason why they rose up in anger against the venerable men, whom they knew were their friends, who never had done them harm, but on the contrary had constantly done them good, and whose virtues were well known to them. They related that the devil had appeared to them in the form of a giant, and told them he was their ancient master; ordering them to meet together and put to death all the Spaniards, without distinction, and in particular, they should not spare the religious; that he would help them, and in doing so their lost independence would be restored to them, and they would throw off all subjection."

The rebellion of 1680 secured to the pueblo Indians a period of independence lasting twelve years. During these years their members decreased by half or more, due to internal warfare. The success of the uprising of 1680 had been due to the weakness of the Spaniards and the suddenness with which the blow fell. But the lack of social, political and military organization among these Indians more than counterbalanced their strength

of numbers. At that time, nowhere on the American continent had conceptions of government risen above tribes or confederacies of tribes, such as the organization of the Six Nations of New York state, more commonly known as the Iroquois. The pueblo Indians had not even adopted this primitive idea of confederacy. On the contrary, each tribe maintained its isolated, independent position, excepting that occasional alliances were formed temporarily, to be dissolved the moment the object for which they had been formed was attained. So long as the Spanish conquerors ruled, peaceful relations among the various pueblos obtained. But when the temporary union seemed no longer indispensable, the victorious Indians, as tribes, were rent by dissensions.

There had been no common leader, and no definite plan of action aside from the fixing of a day for an outbreak. Through the influence of Pope concerted action had been effected for the time being, but he could not command the various pueblos after the exigency had passed. While he visited most of the pueblos after the Spaniards had abandoned the country, his visits were more of a religious than political or military character. In most instances it is known that they terminated in drunken orgies. For this reason he soon grew unpopular, even at Taos, where his influence, so far as outside tribes were concerned, had always been strongest. He finally abandoned all efforts to bring about any definite union of the tribes, and retired to his own pueblo, that of the Tehuas, where he died about 1688 or 1689.

Serious trouble soon arose among the Indians over the division of the spoils of war. Within less than two years after Otermin's retreat, the Taos and Picuries were engaged in war with each other. Soon afterward a similar state of affairs arose between the Tiguas and the Queres. The fate of the Piros was their extermination as a tribe. Most of them had followed the Spaniards on their retreat; those who remained in their pueblo were either killed or compelled to enter other tribes.

During the period of twelve years during which the pueblos maintained their freedom this state of affairs continued almost uninterruptedly, though at times there was peace between two or more tribes at a time. While two of the pueblos were the scene of internecine struggle, the remainder might be at peace. These alternate periods of hostility and warfare and of friendship and peace, so thoroughly characteristic of the ever-inconstant savage or barbarian, with the bloodshed resulting, combined with periods of famine and disease, entailed great loss of life. By 1683 the cattle they had stolen had been killed for meat; their horses were nearly all gone; the farming and other implements which they had obtained from the Spaniards and the missionaries were worn out; sickness fell upon them and there were no more missionaries to relieve their physical distress. The truth is that they had learned to depend upon the Spaniards, settlers and missionaries, in large measures for practical assistance and initiative and encouragement in the offices of everyday life.

To add to their miserable condition they were constantly compelled to face the danger of attack and depredation on the part of the unfriendly nomadic tribes. As soon as the whites had been driven from the country by the pueblos, the Apaches, the Utes and the Navajos began a systematic campaign of depredation against the various villages. They were absolutely without mercy. Knowing that the pueblo Indians could look no longer to

the whites for succor and defense against their hereditary foes, the latter began a war of extermination on the various semi-civilized tribes. The Taos and Picuries, owing to their geographical location, were comparatively easy prey for the Utes; the Pecos and Tehuas to the Apaches; the western pueblos to the Navajos. No longer did the pueblo Indians find a military post to which they could flock for protection. Under Spanish rule even one or two of the whites formed a nucleus for effective defense. But now the latter found themselves alone, without moral support or guidance, in the presence of a constantly active savage foe who remembered the past, and had learned much of the science of warfare from the white intruders.

Notwithstanding the very apparent advantages of the period of subjection and the disadvantages of their isolated position, the town tribes seemed to have no desire for the return to the old conditions. The excitement induced by sanguinary conflict had a stronger hold upon them and their rancorous passions still dominated them. Not only was the savage instinct rapidly on the ascendant so far as lust for revenge was concerned, but the freedom gained renewed their devotion to their strange pagan religion.

## RE CONQUEST BY DE VARGAS

During the twelve years of pueblo freedom, from 1680 to 1692, it must not be supposed that the authorities entirely abandoned this field of colonial and missionary exploitation. It has been said that Spain's failure in colonizing the world was largely due to the fact that she endeavored to grasp too much, and not that her ability was weak or her administration faulty. The vigor of the main trunk was not always sufficient to penetrate and vitalize the many extremities. Hence when a sudden and violent blow was struck by the enemy, as in the case of the New Mexico colony, it was no slight task to concentrate the means and forces and direct them to the endangered point. Recuperation was therefore slow. It was difficult to assemble and equip even the small military expedition which finally effected the reconquest.

Governor Otermin, acting under the orders of the viceroy, had first tried to recapture the territory in 1661. With a fighting force of hardly more than 200 men he marched from El Paso through the deserted and devastated southern pueblos, completing the work of destruction wherever the enemy had failed to do so, and finding the first inhabited pueblo at Isleta, among the Tiguas, captured that town and again reduced the people to Christian allegiance. A side expedition went as far north as Cochiti. Though the Spaniards encountered no decided opposition on these marches, they discovered that the Indians were still bitterly hostile to them and evinced no desire to return peaceably to their former relations. There were also threats to massacre the small force of Otermin, so that early in 1682 the expedition returned to El Paso, fruitless so far as practical progress toward reconquest of the lost territory was concerned.

El Paso remained the northernmost presidio for several years thereafter. Several unimportant expeditions were made against the pueblo tribes during the decade, and the zeal and energy of Governor Jironza de Cruzat had much to commend it. Early in 1691, however, he was succeeded by Diego de Vargas, during whose official term and under whose direction the reconquest of New Mexico took place, so that the name De Vargas denotes the beginning of an epoch in the history.

De Vargas was unable to complete his preparations for an invasion of New Mexico during the first year of his governorship. But in August, 1692, he set out from El Paso with a small force of sixty soldiers, besides Indian allies. The expedition was too small for occupation, and nothing more was attempted to gain the formal submission of the pueblos and to investigate the conditions of the tribes and the country.

As the expedition advanced up the valley of the Rio Grande the results of the revolution of 1680 and the following years of invasion by the Spaniards and inter-tribal dissension and attacks by the wild Apaches and Navajos were seen on all sides in the complete devastation of a once settled country, in the ruins of villages and mission houses, and in the depopulation

of such pueblos as Isleta, Sandia, Santo Domingo and Cochiti. A strong force of the Tanos were found in possession of Santa Fé, and at first in a defiantly hostile attitude toward the invaders. But finally they were won over without resort to arms and yielded to Spanish authority and the Christian faith, allowing their children to be baptized and themselves to be pardoned for their apostasy.

After the recovery of Santa Fé there followed expeditions to all the surrounding pueblos, to which promises of peace and pardon were given, and with few exceptions all returned to allegiance. On October 15 De Vargas reported to the viceroy that he had conquered all the pueblos for thirty-six leagues and had baptized a thousand children who had been born during the rebellion. In the remainder of the year he extended his authority to the Pecos on the east and to Acoma, the Zuni and the Moqui villages on the west, and returned to El Paso late in December, after having reconquered, nominally at least, all the territory that had been lost by the sudden revolt of 1680. This was accomplished without the loss of a single life or any serious act of hostility on the part of the Indians, which indicates how much they had lost in the spirit which drove them to action under the command of Popé and the hatred which for several years after the rebellion had incensed them against all civilized practices and institutions.

But the campaign of 1692 was not final. The native population did not fully acquiesce in the Spanish system until their strength was quite broken, when many pueblos had been destroyed and their inhabitants dissipated among the sierras or had joined the wild tribes. Gradually the invaders established themselves too strong to be dispossessed, and since the tribes no longer had the ability nor a leader for such a revolt as that of 1680, their outbreaks became continually more sporadic and ineffectual.

It was not until the fall of 1693 that Governor Vargas was ready to proceed north and undertake the actual occupation of New Mexico. His fighting force consisted of about 100 soldiers, and with the settlers and followers the expedition aggregated over 800 persons.

In a letter written by De Vargas to the Count de Galve, then viceroy of New Spain, on October 13, 1693, the day the former started on his reconquest of New Mexico, the governor says:

"Having arrived at this town of El Paso on the 17th day of September, 1693, \* \* \* I issued a proclamation to the residents of that town, calling on them to hold themselves in readiness to start. I furnished supplies to all of the seventy families, besides to many bachelors and unmarried women, the whole expedition numbering about eight hundred souls in all, besides a few Indians, who, by reason of the love they had for their homes and relatives, accompanied us. \* \* \* I have decided that myself and those soldiers shall bring those settlers into the country, and thereof I inform your excellency that it is also my intention to re-establish the City of Santa Fé, and there to place again our protectrix, Our Lady of the Conquest, on her throne of the greater glory of her divine majesty. With such a star as a guide, I shall, in conformity with it, govern my actions, so that they may result not only in extending our holy faith, but also the power of our king."

Two months were spent on the march to Santa Fé. The small but determined army made its entry into the capital on December 16, but neither the Tanos inhabitants of the villa nor the people of the pueblos through which the invaders had marched afforded them a cordial welcome.

The annals of the reconquest do not reveal a story of interest, rather



a dull acquiescence of the cowed inhabitants to an occupation which they could not prevent. For a time the Indians were wary of the professed friendship of the Spaniards, and remembered the cruelties rather than the kindnesses done under their régime. Vargas and his army did not enter the villa of Santa Fé for permanent occupation until after a spirited battle, in which the gate was taken by storm and seventy of the captured prisoners immediately executed and four hundred women and children delivered into practical slavery. Such was the stern justice which Vargas and his associates dealt out to the natives who opposed the monarch of Castile and his deputies.

It was some time before the Spanish position was better than a state of siege. Their authority was acknowledged wherever they went in force, the pueblos in professed alliance called on them for aid against their enemies, but familiar relationship between the colonists and the natives was as yet impossible, and settlements, except under military auspices and guard, seemed little likely to succeed for a long time. One of the chief centers of hostility was among the Tehuas, who had occupied and fortified the mesa of San Ildefonso, where the inhabitants of a number of the pueblos gathered for defense. With a force of a hundred soldiers and many settlers and Indians, Vargas proceeded against this stronghold in March, 1684, and after a siege lasting two weeks, including two assaults, was compelled to withdraw without having gained any distinct advantage. In the following month he was more successful in an expedition against the rebellious Cochiti, who had taken up a new position on the mesa of Cieneguilla. The attack upon the pueblo resulted in the defeat of the warriors and the capture of many women and children and nearly a thousand sheep and horses. The new pueblo was burned and the prisoners taken back to Santa Fé to be distributed as slaves. It cannot be doubted that such severe measures, which seemed imperative at the time, were very effective toward the annihilation of some of the tribes which Coronado and Oñate found flourishing in the territory when they entered it.

An expedition north to Taos effected the subjection of that pueblo, and in September the stronghold of the Tehuas and Tanos, at San Ildefonso, was finally reduced. Assaults against this impregnable place failed, but siege and cutting off of all supplies discouraged the forlorn hope, and by their surrender on promise of peace and pardon, New Mexico was brought back to its original status as a province of New Spain. Yet the testimony is indubitable that the fifteen years of revolt, civil war and tribal dissension had made fearful inroads on population and the domestic prosperity of the country.

Not even then was the spirit of rebellion subdued. So long as the Spaniards were in sufficient force to overawe the inhabitants there was quiet. The distribution of the padres among the various pueblos and the settlement of the colonists away from the garrisons was the signal for new plots among the hostiles, especially the Tehuas. A famine added to the discontent and weakness of the governor's forces, and the time seemed ripe for a repetition of 1680. The missionaries apprehended the dangers first and sent urgent appeals to the capital for protection. The position of the missionaries in the isolated pueblos, constantly surrounded by a foreign and hostile race, who regarded the friars as the representatives of the tyranny of New Spain, was one of peculiar danger and hardship. The

self-sacrifice and devotion with which the padres remained at their posts even after they were convinced of the imminence of revolt appear in the same remarkable degree as characterize the representatives of the Catholic church throughout new world history. Their zeal in the cause and their astonishing fortitude are incompatible with any selfish interest and are the highest light which the pages of New Mexico history reveal.

The governor did not appreciate the dangers that threatened the friars, or was unable with his weak garrison to afford them proper protection, but permitted them to return to Santa Fé when the individual missionaries found their personal safety in peril. Few were so timid as to abandon their stations, and on June 4, 1696, the Taos, Picuries, Tehuas and Queres of Santo Domingo and Cochiti and the Jemes revolted, killing five missionaries and twenty-one other Spaniards. The pueblos in which the padres were slain were San Cristobal, Taos, San Ildefonso, Nambe and Jemes. The pueblos of Acoma, Zuñi and Moqui were also implicated in the uprising.

Now followed a series of punitive expeditions, directed against the separate pueblos or against fugitive bands of the hostiles wherever they could be found. The method of checking and punishing an Indian outbreak then was very much like that employed by our American leaders in the Indian outbreaks of the past century. The Indians were seldom found concentrated, unless in an impregnable position against assault. The small bands, fleeing to the sierras and canyons, could seldom be brought to decisive engagement. And so all the rest of that year was consumed in harrying the pueblos or scattering their population to the mountains, before the rebellion could be said to be quieted. Each such warfare meant a permanent diminution of the population and resources of the country, and hence must be viewed with regret, since it is possible to trace the evil consequences far into the future.

In 1696, De Vargas' term as governor having expired, Pedro Rodriguez Cubero was appointed to his stead. Despite what seems to have been on the whole an energetic and progressive term of service, Vargas left his office under a fire of accusation. The charges included embezzlement of public funds, excessive severity in punishing captive Indians and thus inspiring their hatred, contributing by his mismanagement to the suffering and loss caused by the famine of 1695-96. The weight of these accusations, when weighed against his manifest service in reconquering the province, failed to convince the royal authorities, and he was not only exonerated, but his previous elevation to titled honor and his appointment to a second term as governor to succeed Cubero were sustained. Vargas became governor and captain general at Santa Fé in November, 1703, but died in the following spring while leading a campaign against the Apaches, his body being buried in the church at Santa Fé.

At the close of the seventeenth century the Spanish population in New Mexico was about 1,500. In 1694, after the reconquest, Governor Vargas had distributed the friars among the following pueblos: San Ildefonso, Jacona, San Juan, Santa Clara, San Cristobal, Lazaro, Pecos, Cia, Jemes, Santa Fé, Tesuque, San Felipe, Cochiti, Taos, Santo Domingo, Nambe. These names indicate not only the pueblos that were in submission at the time, but those which had survived the scourge of war and other decimating causes and remained as nuclei for settlement and growth under the renewed Spanish régime. In April, 1695, seventy Mexican families were

settled at Santa Cruz de la Cañada, which usually dates its beginning from that year, although evidence indicates a settlement there much earlier. Cerillo and Bernalillo also are named in the records as settlements.

It is evident that the centers of population at the close of this century were contracted more than when described by Benavides in 1630. The pueblos along the more southern course of the Rio Grande had never been restored since the devastation caused by and subsequent to the revolt of 1680. Santa Fé, as the center of military occupation, was assuming increasing importance, and the pueblos and settlements above named were within easy distance of the capital. The most distant and likewise the most troublesome natives at this time were the people of Acoma and Zúñi and the more remote Moqui, the conversion of whom to Christianity and to peaceful relation long continued one of the chief difficulties of the Spanish governors. In the first years of the following century thirty families of colonists became the founders of old Albuquerque (named in honor of the then ruling viceroy). By this process of settlement from Mexico and by resettling and rebuilding former pueblos by the transfer of portions of native population, the growth and development began which it is the purpose of subsequent pages to trace through two centuries to their highest culmination in the present era.

De Vargas died in 1704, in Bernalillo, while on his way from Santa Fé to New Mexico. During his last sickness he made his will—one of the remarkable private documents of the day. Abstracts therefrom are here preserved in order to illustrate the character of the man and the customs of his day:

"In the name of God the Almighty, know all who may see this, my last will and testament, as I, General Don Diego De Vargas Zapata Lujan Ponce de Leon Marquiz de la Naba de Brazinas, Governor and Captain General of this Kingdom and Provinces of New Mexico, by His Majesty native of the Imperial Court of Madrid in the Kingdom of Castile. Being sick in bed with the infirmity which God our Lord had been pleased to send me, believing as I firmly and truly believe in the mystery of the Holy Trinity, Father, Son and Holy Ghost, three distinct persons and only one truly God, receiving as I do receive as my intercessor the Holy Virgin Mary, mother of the divine eternal word, I place my soul in the most clear career of salvation interceding with His worthy Son to forgive all my sins, I do make, order and dispose of this my testament in the following manner and form:

"Firstly, I commend my soul to God our Lord, who created it with the price of his precious blood, and my corpse to the earth of which it was formed.

"And if His Divine Majesty is pleased to take me away from the present life, I want and is my will a mass to be said while the corpse is present in the church of this Town of Bernalillo, and afterwards my corpse to be taken to the Town of Santa Fé, and placed in my bed, suspended and selected as a bier, and in the same to be taken to the church of said Town of Santa Fé and buried in said church in the Principal Altar, under the platform where the priest stands. This I ask as a favor; said bier to be covered with honest woolen cloth and buried according to the military orders and the title privileges of Castile, leading two horses covered with the same cloth as the bier.

"I order that on said day of my funeral be distributed amongst the poor of said town fifty measures of corn and twelve head of cattle."

After ordering the sale of a number of his personal effects, he proceeds:

"In the same manner I leave to the said Don Juan and Don Alonzo de Vargas [his sons] the two saddles of my use, also two pair of pistols with its covers, the

bandore of Anselm, with the cover of Saint Michael the great, and cushions, two suits of cloth of my use, one whitish and the other blue, with its gold button covered with flesh color, and the whitish with its waistcoat and pants of brown cloth, adorned with flounces of gold and silver. This I leave to my son, Don Juan Manuel, and the other to said my son, Don Alonzo, with a jacket of blue brocade and a pair of pants of blue plush, and enough cloth for another pair of pants of silk grosgrain; furthermore of the piece of camlet cloth which I have assigned each one of my said sons will make his new suit of cloth, coat and two pair of pants, lined with the color they may select of the listed cloth in the warehouse, and silk buttons, and the jackets lined with the same listed cloth. In the same manner I leave them six shirts of the best, embroidered with lace, three to each one, two jerkins with eaten moth laces one to each one, and of the neckties of my common use I leave two to each one of my said sons, more four pair of stockings of Genoba, two pairs to each one. I leave to my said son, Don Alonzo, one pair of blue silk stockings, embroidered with gold, and the silver curled to my son, Don Juan. I leave them four pairs of bed sheets, two to each one, with the embroidered pillow cases. I leave them four yards of fine linen to each one of my said sons. To my said son, Don Alonzo, I leave my two cloaks, one of fine native cloth and the other of gold color, lined with serge. To my said son, Don Juan, I leave the choice of the color of said cloak, lined with serge. I also leave them three pairs of drawers to each one, and one full piece of fine linen to both of them for handkerchiefs, and I leave to their choice the taking with them to their mother and sister a dress pattern of fine camlet cloth, with the lining of the listed cloth which they may like best, and a pattern of petticoats of scarlet cloth from England, with its silk and trimmings; one silk mantle with fringe for each one. Furthermore, I leave them the two trunks which I have, and to my said son, Don Alonzo, I leave my fine hilt, and to my said son, Don Juan, I leave my small sword, and each one to take his leather jacket, the one of my use and another one from the warehouse, and in the same manner to take to the General of Parral one leather jacket of blue color, the stockings and gloves which I ordered to be made. Also, I leave them my leather case, large elbow chair and eight ready mules. To the satisfaction of my slave and negro, Andres, who for having rendered me good service of his great love and will since the year ninety-one, by this clause I give him the liberty, with the understanding that he has to take my said sons to the City of Mexico, and be there with them the time he may see fit, to whom will be given the provision of a saddle and two mules, to his satisfaction, with gun, cover, cushions, bridle, reins and saddle-bag, hat, jacket and two pairs of pants of cloth, and in the same manner will be given to my sons one hundred pounds of chocolate and sugar, and twelve measures of wheat made dried bread, stockings, shoes, soap and hats for said journey, which they will execute two months after my death, or with the messenger who may take this notice of my death, and in their company will go Don Antonio Maldonado Zapata, to whom I give four mules—two pack and two saddle mules,—fifty pounds of chocolate and fifty of sugar, four measures of wheat, six pairs of shoes, six bundles of tobacco, six dollars' worth of soap, two hats, that he may go together with my said sons. \* \* \*

"From said inventory made of my property will be paid the parochial fee of the nine masses of corpse being present, to the Rev. Friar Guardian, giving him one hundred candles for the bier and fifty for the altars and religious hands present. I believe there is chocolate of my taste about two hundred and twenty-five pounds in two baskets, and the balance in what he may ask, and in aid to it be paid in goods which may be left. \* \* \*

"I elect, appoint and assign Captain Juan Palz Hurtado, my Lieutenant Governor and Captain General of this Kingdom, so declared by virtue of Royal ordinances of His Majesty, and for the great satisfaction which I have of his person, as stated, I do appoint him in my place Lieutenant General, that as soon as I may die he may govern this Kingdom—the political as well as the military—giving immediate notice to the Viceroy Duke of Albuquerque. \* \* \*

"Notwithstanding the long time since I came from the New Spain, I have ordered a great quantity of masses to be said for the repose of my soul, and \* \* \*. I want and it is my will to have five hundred masses said—two hundred applied to the Holy Virgin of Remedies, my protector, for the benefit of my soul, and three hundred for the souls of the poor, who died in the conquest of this Kingdom and may have died to the present day."

## NEW MEXICO IN THE EIGHTEENTH CENTURY

From a Spanish population of about 1,500 in 1700, the similar figures at the close of the century show 18,826, including those of mixed blood, while the Indian enumeration was 9,732. These figures are exclusive of the El Paso district and apply to the group of pueblos and presidios in the northern valley of the Rio Grande, which must be considered the original seat of civilization in the Territory of New Mexico.

The eighteenth century is not remarkable for striking events. There is nothing of romantic interest such as belonged to the Coronado expedition of the sixteenth century, nor a momentous crisis such as marked the organized revolt of 1680. But in the course of this century much of the civilization which descended afterward to the Americans came into process of formation. Many of the towns of New Mexico date their beginning in this century, as also many of the characteristic industries and institutions.

The pueblos and Indian affairs generally may be briefly sketched. Both the ecclesiastical and secular authorities gave much of their attention to the conversion of the Moqui tribes. Their resistance to Christian doctrines, accompanied by a tribute-paying relation to Spanish administrators, continued through the century. The Moquis were not always on the defensive. They often attacked the pueblos of the Zuñi, who were under the protection of the Spanish, and it was to retaliate for these attacks that many expeditions were sent out against them. For a time several Moqui traders imposed on the Spanish desire for peace by visiting Santa Fé as representatives of their people and pretending to treat for peace and the acceptance of Christianity. On each visit they were sent back loaded with gifts and promises of good will, but when some Spanish messengers went to the Moqui towns a brief investigation proved that the Moqui were no less hostile than before, and that the officials at Santa Fé were the victims of a clever imposition.

In 1742 two friars, Delgado and Ignacio Pino, accomplished what several armies of conquest had not been able to do. Going without any military escort, they succeeded in bringing away from the Moqui villages over four hundred Tiguas who had inhabited several New Mexico pueblos previous to the revolt. About this time the Jesuit order had been seeking to displace the Franciscans from the New Mexican field, the controversy being waged not only before the higher authorities, but also inciting the friars to renewed zeal in their missions and work of conversion. The contest between the orders brought out the severest criticism on the work of the Franciscan padres in the missions. It was charged, and not denied, that few of the friars knew the native language, so that the close relations of the confessional and absolution for sins were withheld from the Indians, whose worship consisted in the most empty and grotesque formality. This and general lack of zeal and negligence in performing the

duties of their office were freely charged, and, though the defense was eager and ready, it is little to be doubted that the effectiveness of the church as a factor in the civilization of New Mexico had declined to a low degree during the first half of the century.

But the achievement of the two friars in bringing away, without the aid of military force, a large number of Indians from the Moqui villages was the clinching argument that satisfied the king of the zeal and energy the Franciscan propaganda and caused him to lend his support and favor to the friars in their contention against the Jesuits.

The Tiguas who were recovered by the two missionaries were not immediately restored to their old pueblos, but in 1748 many of them were collected and settled on the old site of Sandia, which was rebuilt in that year.

But the conversion of the Moquis proper was making little progress. In 1755 a missionary visited them and obtained an attentive audience to his preachings, but the medicine men would never allow their people to be exhorted so far as to accept the foreigners' faith. Further than this the work of the padres could not go, and the stubborn adherence of this tribe to aboriginal customs and superstitions furnishes a remarkable contrast in the history of southwestern civilization. Not even when on the verge of annihilation could they be persuaded to accept the terms that the Spanish offered. In 1780 a disastrous famine followed a continued drouth of three years. A smallpox pestilence added its horrors, and raids from the terrible Apaches and Utes devastated and plundered what scanty provisions remained. A population of over 7,000 in 1775 was reduced to less than a thousand in 1780. Towns were abandoned and many of the inhabitants had fled to the mountains and taken up with the life of the wild tribes. At this juncture seemed an opportune time for another proffer of relief and conversion. Yet the few who remained, in their destitution and suffering, retained their pride and refused all aid, barely thirty families finally being induced to accompany the Spaniards within the range of Christian settlements.

The Moqui were not the only ones to suffer from the pestilence. It was estimated that 5,025 Indians from the mission pueblos fell victims to the disease. This decrease in the Indian population had a very important result in the consolidation, by order of the governor, of the remaining missions, thus reducing their number to twenty. By this order the missions of Jemes, Santa Ana, Acoma, Nambe, Tesuque, Pecos, San Felipe and San Ildefonso became *visitas*, this measure greatly reducing the expenses of maintenance, but exciting the vigorous opposition of the friars. It is probable that the number of padres toward the close of the century was smaller than in 1711, when a record states that there were thirty-four friars occupying the New Mexico missions.

The wild tribes, Comanches, Apaches and Utes, were a constant menace to all the outlying settlements. A Comanche raid on Pecos in 1746 called out a large expedition in the following year, which met the Indians near Abiquiu and killed or captured over 300 of them, besides a thousand horses. In 1760 Taos was attacked by this same tribe, and the governor is reported to have battled with a large force of them at that place in the following year, slaying 400 of the hostiles. A treaty was concluded with the Comanches in 1771, but was not lasting, since one of Governor Anza's first

official acts was a campaign against these Indians. His force consisted of 645 men, and after a march of several hundred miles to the north and northeast he succeeded in killing Cuerno Verde, their famous chief, besides four sub-chiefs and other leaders in the tribe. By this victory the settlements were almost entirely freed from Comanche incursions during the rest of the century.

The Navajos were persistently hostile, especially during the first half of the century, the year 1709 being marked by a war with them. In 1713 Captain Serna, with a force of 400, administered the Navajos a defeat in their own country. In 1744 Padres Delgado and Irigoyen, animated by the same zeal that prompted the visit to the Moqui towns two years before, went to the Navajo country and, with their efforts at religious conversion, treated with them to enter relations of allegiance and peace with the Spanish governor. The Spaniards early realized that the Indian was a child in character development and treated him accordingly. Therefore the exhortation of the friars was accompanied with liberal gifts and extravagant promises of more. By these means they induced some 500 or 600 of the Navajos to take up a temporary residence at Cebolleta, in the Acoma region, where they would be more accessible to Spanish influence. In 1749 the two missions of Cebolleta and Encinal were established here. Their success was brief. As soon as the generosity of the friars was limited by the exhaustion of their resources, pueblo life and Christianity ceased to attract the Navajos, and the missions were a failure. But during the rest of the century and for some years beyond the Navajos gave the settlements but little trouble.

In line with the purpose of this History of New Mexico to assign considerable space to the economic features of the Territory, it is necessary to describe, as fully as possible, the conditions of the country during the eighteenth century with respect to the distribution and increase of population, the occupation and industries of the people, and the general advancement in material affairs.

In 1722 an inquiry made by a *visitador general* as to the reason why the southern portion of New Mexico, from Chihuahua north to the settlements, was not occupied by prosperous and tribute-paying Spaniards, was answered by the explanation that as yet immigration was not sufficient to fill up this country, which was in constant danger from Indian raids and beyond the range of protection furnished by the garrisons at Santa Fé and neighboring presidios. A presidio at Socorro and another at Aguatuvi, it was contended, would afford the necessary protection and incentive to settlement. This region remained unexplored, except for the route up the Rio Grande, until 1747, when four parties of soldiers, settlers and Indians marched north by different routes as far as Acoma. No substantial results followed this expedition, however.

The Spanish population at the middle of the century, as estimated by one authority, was 3,779, though it was probably more than that number. The Spaniards at that time were concentrated chiefly in the three villas of Santa Fé, Santa Cruz de la Cañada, and Albuquerque. Santa Fé, the seat of the governor, after a century and a half of existence, had (using the statistics available for that time) a Spanish population of 965, and 570 Indians. Santa Cruz de la Cañada, which, it will be remembered, was founded by a colony of Spanish settlers in 1695, by the middle of the

eighteenth century contained the largest Spanish population of any New Mexico villa, the population, including those in the mission and adjacent ranchos, being 1,205 Spanish and 580 Indians. Albuquerque, founded at the beginning of the century, by 1750 had a population of 500 Spaniards and 200 Indians, including those in the mission and the suburb of Atrisco.

The mission and pueblo of San Augustine Isleta had been refounded in 1709 by the custodio, Juan de la Pena, who collected some scattered families of Tiguas at that point. Its Indian population at the middle of the century was 250. The Spaniards here numbered 100, while several settlements around were under the supervision of the padre at Isleta. One of these, consisting of fifty families, was named Concepcion, or Fuenclara, perhaps the same as the Tome (Valencia), founded in 1740 as a *visita* of Isleta.

Other missions with the adjacent ranchos attended by the padre were Taos, in which were 125 Spaniards and 541 Indians, and the rancho of Ojo Caliente of forty-six families, and four other ranchos of ten families. The Picuries mission had 64 Spaniards and 322 Indians, including the ranch Embudo. San Juan contained the largest Spanish population outside of the three villas mentioned, the figures being 346 Spaniards and 404 Indians, including the rancho Soledad of forty families, seven leagues distant. San Ildefonso and its *visita*, Santa Clara, and the ranchos Chama and Santa Rosa Abiquiu, had a population of 89 Spaniards and 631 Indians. Tesuque and Pujuaque, containing 507 Indians, were *visitas* of Santa Fé. Nambe had 100 Spaniards and 350 Indians. Pecos was one of the largest missions, having a fine church and convent, two padres, with an Indian population of 1,000. Galisteo, containing 350 Indians; Cochiti, with 25 Spaniards and 400 Indians; Santo Domingo, 300 Indians; Cochiti, with 25 Spaniards and 400 Indians; Jemes, 574 Indians; Santa Ana, on the Rio Bernalillo, 100 Spaniards and 600 Indians; Cia, fifty families; Laguna, 401 Indians; Acoma, 750 Indians; Zuñi, 2,000 Indians, and Sandia, founded in 1748, as previously mentioned, comprised the missions in upper New Mexico at the middle of the century. The El Paso district at this time comprised between 200 and 300 families.

The following half century witnesses a decrease in the pueblo Indian population of about twenty-four hundred, according to the most reliable figures, while the Spanish population had multiplied by four. It has been mentioned that the pestilence of 1780 resulted in a consolidation of the missions, some of those mentioned above having been reduced to *visitas*. Population had not yet begun to spread beyond the limits of the upper Rio Grande valley, hence the settlements remained about the same as named before. Such statistical and descriptive details as concern each settlement, with date at the close of the eighteenth century where not otherwise stated, are given as follows:

Albuquerque, as regards its population figures, comprised the settlements for many leagues up and down the valley, the people living on their ranchos, chiefly at Alameda, and frequenting the town only on Sundays and fast days. The militia force for protection numbered eighty in 1766. The population estimated as belonging to Albuquerque in 1760 was 1,814 Spaniards; in 1788 the total population was placed at 2,146; in 1793 the Spaniards numbered 1,650, and in 1798 the Spanish enumeration was 2,279.



Governor Chacon's census in 1799 showed 4,020 Spaniards in Albuquerque jurisdiction and 603 Indians.

Santa Fé, the capital villa, increased in population during the last half of the century according to the following figures: In 1760, Spanish population, 1,285; in 1788, total population, 2,244; in 1793, Spanish, 2,419, and the enumeration for the jurisdiction in 1799 was 4,194 Spaniards and 314 Indians. An estimate of the population in 1766 was 2,324. The small garrison of eighty soldiers indicates how small was the total force required to keep the territory in subjection. There were no fortifications at the capital till late in the century, \$2,000 having been appropriated for the building of a presidio in 1788. This, too, was the religious center. The vice custodio resided here, and a secular priest was paid by tithes. A record of 1760 states that there were two churches and another almost completed.

Santa Cruz de la Cañada was the largest of the Spanish villas during the eighteenth century. Its white population for the different dates was, in 1760, 1,515; in 1793, 1,650; 1799, 7,351 (including the entire jurisdiction). Its Indian population in 1760 was 316, and in 1799, 1,079.

Data concerning the other settlements and missions for the last half of the century are given briefly: \*

Abiquiu, a pueblo of *genizaros* or rescued captives, with a large Spanish population, in the jurisdiction of La Cañada: Spanish population in 1760, 617; in 1793, 1,147; in 1798, 1,573. Indians in 1760, 166; in 1793, 216; in 1798, 176. The figures for population of this and following settlements include those settled in the ranchos of the vicinity.

Acoma, a *visita* of Laguna, had only 10 Spanish residents in 1793, being almost entirely populated by the natives, whose numbers were, in 1760, 1,052; in 1793, 820; in 1798, 757.

Cebolleta, the name of the unsuccessful mission established for the Navajos, described above, was practically abandoned at the close of the century, a few Navajos and Apaches living in a rancheria in the vicinity.

Cia (or Zia), one of the pueblos mentioned by Castañeda in his narrative of Coronado's journey, was the seat of a considerable native population, the number being 568 for 1760, decreasing to 275 and 262 in 1793 and 1798 respectively.

Cochiti, the Queres pueblo, which was a separate mission until 1782, after which it was a *visita*, had a Spanish population of 140 in 1760, of 400 in 1793 and 425 in 1798. Its native population for corresponding years was 450, 720, 505.

Galisteo, a *visita* of Pecos, had 255 Indians in 1760, but is not mentioned thereafter and was probably abandoned.

Isleta, including the settlements of Belen and Tome, had a steady growth during this period. Its white population in the years 1760, 1793, 1798 was, respectively, 620, 2,680, 1,771, the number of Indians being 304, 410, 603. The padre of Isleta had charge of Belen and Tome. At Belen, besides the thirty-eight Spanish families, in 1766 there lived a considerable number of *genizaro* families, as also at Tome.

Jemes pueblo, as also Santa Ana, were *visitas* of Cia after 1782. The population of the Jemes jurisdiction in 1799 was given as 398 Spaniards

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\*———. From the statistical matter in Bancroft's History, pp. 279-281.

and 1,166 natives. Santa Ana's Indian population in 1760 was 404; in 1793, 356, and in 1798, 634, while in the last year a Spanish population of 84 is recorded.

Laguna included in it jurisdiction after 1782 Acoma as a *visita*. The population of the jurisdiction in 1799 was given as 15 Spaniards and 1,559 Indians. The Spanish inhabitants of the Laguna pueblo were never many, 85 being the number in 1760, 6 in 1793, and 15 in 1798. Its natives numbered, in 1760, 600; in 1793, 668, and in 1798, 802. In the Laguna region was also the Moquino pueblo, probably established at the close of the century with the Moqui survivors mentioned on an earlier page.

Nambe, which became a *visita* of Pujuaque after 1782, was credited with a white population of 118 in 1760, which fell to 20 by 1798. The Indian population was 204 in 1760, 155 in 1793, and 178 in 1798.

Pecos, described as one of the most flourishing missions earlier in the century, was now declining in population, the figures (including those at Galisteo) being, for 1760, 599 Indians; for 1793, 152; and for 1798, 189. In the last year a Spanish population of 150 is given.

The Picuries mission was surrounded by an increasing Spanish settlement. In 1760 the white population was 208, which by 1798 numbered 566. The Indians numbered, in 1760, 328, and in 1798, 251.

Pujuaque had been made a mission after 1782, and six years later had two padres, who had charge, also, of Nambe and Tesuque. The Indian population of Pujuaque was small, being 99 in 1760, 53 in 1793, and 79 in 1798, a much larger number of natives living at Nambe and Tesuque. In 1793 the Spanish population of Pujuaque was given at 308, and in 1798 at 229.

San Felipe, a *visita* of Santo Domingo after 1782, was credited with 424 Spaniards in 1798, its native population being 458 in 1760, 532 in 1793, and 282 in 1798.

San Ildefonso, reduced from a mission to a *visita* after 1782, had 30 Spanish residents in 1760 and 225 in 1798. Of Indians there were 484 in 1760, 240 in 1793, and 251 in 1798.

San Juan de los Caballeros, including the site of Oñate's first official seat and the first capital of New Mexico, was a Tehuas mission with two padres in 1788, but the Spanish population of the vicinity far outnumbered the natives. The figures for the years 1760, 1793 and 1798 are, respectively, Indians, 316, 260, 202; Spaniards, 575, 2,173, 1,971.

San Rafael de los Gentiles was a settlement of 15 Spaniards, whose location is not known. Their petition for arms to defend themselves was granted in 1765.

Sandia as a jurisdiction had a white population in 1799 of 1,490, and 1,513 Indians. The rebuilding of the pueblo in 1748 has been previously mentioned. The population figures for the different years are: Indians, 291 in 1760, 304 in 1793, and 236 in 1798; Spaniards, 222 in 1760, 810 in 1793, and 384 in 1798.

Santa Clara, the Tehuas mission, shows the following population figures for 1760, 1793 and 1798: Spanish, 277, 635, 1,840; Indians, 257, 139, 193.

Santo Domingo mission had two padres in 1788. Its Indian population was 424 in 1760, 650 in 1793, and 1,488 in 1798. In this last year the Spanish population is fixed at 257.

Taos, the great trading rendezvous for the tribes of the plains, was a mission pueblo with a large Indian population and the Spaniards living on ranchos in the vicinity became an increasing number during the last half of the century. Taos was a jurisdiction and its population as such in 1799 was estimated at 1,351 whites and 782 Indians. The statistics of the Taos mission for other years are: Spanish, in 1760, 160; in 1793, 403, and in 1798, 789; Indians for the same years, 505, 518, 531.

Zuñi, the westernmost mission, was almost entirely inhabited by Indians, who were served by two friars in 1788. The population, including the residents of five adjacent ranchos, in 1790, was 1,121. The enumeration for the jurisdiction in 1799 was 7 Spaniards and 2,716 Indians. In 1760 the Indians numbered 664, and in 1793, 1,935.

Of the settlement at El Paso, generally known as the El Paso district, little need be said in this connection. As the gateway to all expeditions entering New Mexico, it naturally was a place of importance throughout the history of the Spanish occupation. A presidio garrison was stationed there, and the officials were a captain and alcalde (mayor). Two friars and two priests had charge of the missions.

The settlements of San Lorenzo, Senecu, Isleta and Socorro, founded after the retreat of the Spanish forces and their few Indian allies in 1680, were located down the river at varying intervals east of El Paso.

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SPANISH AND MEXICAN GOVERNORS AND CAPTAIN GENERALS OF NEW MEXICO, 1598-1846.\*

- 1598-1608, Juan de Onate.
- 1608-...., Pedro de Peralta.
- 1621-28, Felipe Zotylo.
- 1629, Manuel de Silva.
- 1640 (?), Fern. de Arguello.
- 1841-...., Luis de Rosas.
- 1642, Valdes.
- 1643, Alonzo Pacheco de Heredia.
- 1645, Fern. de Arguello.
- 1647, Luis de Guzman.
- 1650, Hernando de Ugarte y la Concha.
- 1653-54, Juan de Samamiego.
- 1656, Enrique de Avila y Pacheco.
- 16..-1661, Bernardo Lopez de Mendizabal.
- 1661-64, Diego de Penalosa Briceno.
- Fern. de Villanueva.
- Juan de Medrano.
- Juan de Miranda.
- 1675, Juan Francisco de Trevino.
- 1679-83, Antonio Otermin.
- 1683-6, Domingo Jironza Petriz Cruzat.
- 1686-9, Pedro Reneros de Posada.
- 1689-91, Domingo Jironza Petriz Cruzat.
- 1691-97, Diego de Vargas Zapata Lujan Ponce de Leon.
- 1697-1703, Pedro Rodriguez Cubero.
- 1703-4, Diego de Vargas.
- 1704-5, Juan Paez Hurtado, acting.
- 1705-7, Francisco Cuervo y Valdes (*ad interim*).
- 1707-12, Jose Chacon Medina Salazar y Villasenor.
- 1712-15, Juan Ignacio Flores Mogollon.
- 1715-17, Felix Martinez (*ad interim*).

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\*NOTE.—Following Bancroft's History.

- 1717, Juan Paez Hurtado (vice).  
1717-22, Antonio Valverde y Cosio (*ad interim*).  
1722-31, Juan Domingo de Bustamente.  
1731-6, Gervasio Cruzat y Gongora.  
1736-9, Enrique de Olavide y Michelena (*ad int.*).  
1739-43, Gaspar Domingo de Mendoza.  
1743-9, Joaquin Codallos y Rabal.  
1747-....., Francisco de la Rocha (appointed).  
1749-54, Tomas Velez Cachupin.  
1754-60, Francisco Antonio Marin del Valle.  
1760, Mateo Antonio de Mendoza (acting).  
1761-2, Manuel Protillo Urrisola (acting).  
1762-7, Tomas Velez Cachupin.  
1767-78, Pedro Fermin de Mendinueta (last to hold title of Captain General).  
1778, Francisco Trebol Navarro (acting).  
1778-80, Juan Bautista de Anza.  
1785, Manuel Flon (appointed).  
1789-94, Fernando de la Concha.  
1794-1805, Fernando Chacon.  
1805-8, Joaquin del Real Alencaster.  
1807-8, Alberto Mainez.  
1810-14, Jose Manrique.  
1815-17, Alberto Mainez.  
1816-18, Pedro Maria de Allande.  
1818-22, Facundo Melgares.  
1822-23, Francisco Javier Chavez.  
1822-3, Antonio Vizcarra.  
1823-5, Bartolome Vaca.  
1825-7, Antonio Narbona.  
1827-8, Manuel Armijo.  
1828, Antonio Vizcarra (acting).  
1828-31, Jose Ant. Chavez.  
1831-3, Santiago Abreu.  
1833-5, Francisco Sarracino.  
1834-....., Juan Rafael Ortiz (acting).  
1835-....., Mariano Chavex (acting).  
1835-7, Albino Perez.  
1837-8, Pedro Munoz.  
1837-8, Jose Gonzales (revolutionary governor).  
1838-46, Manuel Armijo.  
1841-....., Antonio Sandoval (acting).  
1844-5, Mariano Martinez de Lejanza (acting).  
1845, Jose Chavez (acting).  
1846, Juan Bautista Vigil y Alarid (acting).

## EARLY AMERICAN RELATIONS

The first actual relations between New Mexico and the territory under the government of the United States began in the nineteenth century. There are evidences that while Louisiana was a French possession a few traders from that region were occasionally seen at the fairs in northern New Mexico. About 1720 appear the first orders regulating trade with the French east of the Mississippi. It was charged that New Mexico traders bought \$12,000 worth of goods in Louisiana. Then in 1789 the commandante at Natchitoches urged the opening of trade between Louisiana and New Mexico by the establishment of a presidio among the Jumanos. This would prevent smuggling. The alleged purpose of the presidio makes it clear that illicit trade relations were not uncommon between the two Spanish colonies mentioned.

All of the old Louisiana territory west of the Mississippi ceded by France to Spain in 1762-3, and returned to France in 1800, was finally ceded to the United States in 1803. From this date for many years the question of boundary between the United States territory and the Spanish possessions was an unsettled one, and, as is well known, the United States government caused several expeditions to be made among the unexplored regions of the western plains and mountains for the purpose of ascertaining just what was the nature and value of the vast areas added by the Louisiana purchase.

## LIEUTENANT PIKE'S EXPEDITION.

It was while engaged in the execution of the purposes of the government to explore this territory as far as the Red river, that the first American in an official capacity visited New Mexico. It is fortunate that he committed the results of his explorations and observation to writing in the form of a journal, and its publication has given us the first reliable account of New Mexico from an American's standpoint.

Zebulon M. Pike, a lieutenant of the Sixth U. S. Infantry, after having made an exploration of the upper Mississippi, while Lewis and Clarke were making their journey to the Pacific, was sent with twenty-two men, in 1806, to explore the country of the Red and Arkansas rivers, and to establish a good understanding with the Indians, especially the Comanches. In October he was on the Arkansas, where he found traces of a recent visit from the Spaniards. At the end of the month Lieutenant Wilkinson, with a portion of the men, embarked in boats on the river to follow it down to the Mississippi, while Pike, with the rest of the party, started up the river for the mountains, intending, according to his instructions, to return by the Red river to Natchitoches. Late in November he was at the base of the lofty peak which has since borne his name. Then followed two months of wandering through the snows and mountains and parks of what is now Colorado, marked by terrible sufferings from cold

and hunger. Crossing the range in the vicinity of the modern Leadville he thought he was on Red river; but after a perilous descent through the canyon he found himself back at his old camp on the Arkansas. Again he struggled on, over another series of ranges, and at the end of January, 1807, succeeded, with a number of his companions, in reaching another large river, which he thought must surely be the Red river. His plan was to reach Natchitoches by boats or rafts on this river.

By a mistake in his reckonings, which was very excusable at this time of incomplete knowledge of the geography of this portion of the world, Lieutenant Pike had made and fortified a camp on a branch of the Rio Grande river in New Mexico territory, and by raising the stars and stripes had unwittingly committed hostile trespass upon the soil of a nation at peace with the United States. A Dr. Robinson, who had thus far accompanied the expedition, here parted company with Lieutenant Pike and set out for Santa Fé, where he wished to transact a little item of business, and perhaps at the same time learn something of this portion of the Mexican domain. Robinson's arrival in Santa Fé apprised the governor of the American invasion, and spies were at once sent out to locate and ascertain the mission of the Americans. Some days later Pike's camp was approached by a considerable force of Spanish troops, and he was informed of his unwarranted trespass, and, while assured that he was in no sense a prisoner, at the same time he felt obliged to submit to the request of the Spanish officers and go under their escort to Santa Fé. Arriving at the capital in March, Pike was examined by the governor, who then passed him on to the authorities at Chihuahua, whither he was compelled to go, much against his will, though ostensibly as a friendly American officer. From Chihuahua he was finally escorted out of the country through Coahuila and Texas, not reaching Natchitoches until July.

Pike's book was published in 1810 and gave to Americans the first detailed information concerning that isolated region which as yet lay beyond the enterprise of American occupation. It is his description of New Mexico as he saw it in that early year of the nineteenth century that is of especial interest in this history.

Of the inhabited part of the territory he describes it as not more than 400 miles in length and 50 in breadth, lying along the Rio del Norte, but broken by a desert of more than 250 miles. His opinion regarding the fertility of the country is of special note to those who now live in and enjoy New Mexico. "The cotton tree," he says, "is the only tree of this province, except some scrubby pines and cedars at the foot of the mountains. The former borders the banks of the Rio del Norte and its tributary streams. All the rest of the country presents to the eye a barren wild of poor land, scarcely to be improved by culture, and appears to be only capable of producing sufficient subsistence for those animals which live on succulent plants and herbage."

His witness bears out the claim that no mining worthy of mention was carried on in New Mexico at the time. "There are no mines known in the province, except one of copper, situated in a mountain on the west side of the Rio del Norte in latitude 34 degrees. It is worked and produces 20,000 mule-loads of copper annually. It also furnishes that article for the manufactories of nearly all the internal provinces. It contains gold, but

not quite sufficient to pay for its extraction, consequently it has not been pursued."

His description continues: "There is near Santa Fé, in some of the mountains, a stratum of talc which is so large and flexible as to render it capable of being subdivided into thin flakes, of which the greater proportion of the houses in Santa Fé, and all the villages to the north, have their window lights made."

The population of New Mexico was, as estimated by Lieutenant Pike, "not far short of 30,000 souls, one-twentieth of which may be Spaniards from Europe (or Chapetones), four-twentieths Creoles, five-twentieths Metifs, and the other half civilized Indians."

Of the status of manufacturing and commerce, he affirms that the exclusive route of regular trade is to Mexico through Chihuahua, Sonora and Sinaloa. The province "sends out about 30,000 sheep, annually, tobacco, dressed deer and cabrie skins, some fur, buffalo robes, salt, and wrought copper vessels of a superior quality. \* \* \* The journey with loaded mules from Santa Fé to Mexico and returning to Santa Fé takes five months.

"They manufacture rough leather, segars, a vast variety and quantity of potters' ware, cotton, some coarse woolen cloths, and blankets of a superior quality. All those manufactures are carried on by the civilized Indians, as the Spaniards think it more honorable to be agriculturists than mechanics. The Indians likewise far exceed their conquerors in their genius for and execution of all mechanical operations. New Mexico has the exclusive right of cultivating tobacco."

Lieutenant Pike was much interested in the irrigation process in use in the Rio Grande valley, and devotes considerable space to agricultural methods. "They cultivate corn, wheat, rye, barley, rice, tobacco, vines and all the common culinary plants cultivated in the same latitude in the United States. They are, however, a century behind us in the art of cultivation; for, notwithstanding their numerous herds of cattle and horses, I have seen them frequently breaking up whole fields with the hoe. Their oxen draw by the horns after the French mode. Their carts are extremely awkward and clumsily made. During the whole of the time we were in New Mexico I never saw a horse in a vehicle of any description, mules being made use of in carriages as well as for the purposes of labor."

On the journey south from Albuquerque in March he had opportunity to observe the method of irrigation. "Both above and below Albuquerque the citizens were beginning to open the canals to let in the water of the river to fertilize the plains and fields which border its banks on both sides; where we saw men, women and children of all ages and sexes at the joyful labor which was to crown with rich abundance their future harvest and ensure them plenty for the ensuing year. The cultivation of the fields was now commencing and everything appeared to give life and gaiety to the surrounding scenery." His description of irrigation at El Paso is more in detail. "About two miles above the town of the Paso del Norte is a bridge over the river, where the road passes to the west side, at which place is a large canal, which takes out an ample supply of water for the purpose of cultivation, which is here carried on in as great perfection as at any place that I visited in the provinces. There is a wall bordering the canal the whole way on both sides, to protect it from the animals; and when it arrives at the village, it is distributed in such manner that each person has his fields

watered in rotation. At this place were as finely cultivated fields of wheat and other small grain as I ever saw; also many vineyards, from which was produced the finest wine ever drank in the country, which was celebrated through all the provinces, and was the only wine used on the table of the commanding general."

Describing the towns, the first one in his route after leaving his camp under Spanish escort was Warm Springs, or Aqua Caliente, which "at a distance presents to the eye a square enclosure of mud walls, the houses forming the wall. They are flat on top, or with extremely little ascent on one side, where there are spouts to carry off the water of the melting snow and rain when it falls, which, we were informed, had been but once in two years previous to our entering the country. Inside of the enclosure were the different streets of houses of the same fashion, all of one story; the doors were narrow, the windows small, and in one or two houses there were talc lights. This village had a mill near it, situated on the little creek, which made very good flour. The population consisted of civilized Indians, but much mixed blood."

Passing on through several adobe villages, San Juan among others, they arrived on evening at Santa Fé "situated on the banks of a small creek which runs west to the Rio del Norte. The length of the capital on the creek may be estimated at one mile; it is but three streets in width. Its appearance from a distance struck my mind with the same effect as a fleet of the flat-bottomed boats which are seen in the spring and fall seasons descending the Ohio river. There are two churches, the magnificence of whose steeples forms a striking contrast to the miserable appearance of the houses. On the north side of the town is the square of soldiers' houses. The public square is in the center of the town; on the north side of which is situated the palace (as they term it) or government house, with the quarters for guards, etc. The other side of the square is occupied by the clergy and public officers. In general the houses have a shed before the front, some of which have a flooring of brick; the consequence is that the streets are very narrow, say in general 25 feet. The supposed population is 4,500 souls. \* \* \* The houses are generally only one story high, flat roofs, and have a very mean appearance on the outside, but some of them are richly furnished, especially with plate."

"The second cities in the province are Albuquerque and Paso del Norte. The latter is the most southern city of the province, as Tous is the most northern. Between the village of Sibilleta and the Paso there is a wilderness of nearly 200 miles." Of Sibilleta, Pike describes it as "a regular square, appearing like a large mud wall on the outside, the doors, windows, etc., facing the square and is the neatest and most regular village I have yet seen."

The government of the province Lieutenant Pike described as "military in the pure sense of the word; for, although they have their *alcaldes* or inferior officers, their judgments are subject to a reversion by the military commandants of districts. The whole male population are subject to military duty, without pay or emolument, and are obliged to find their own horses, arms and provisions. The only thing furnished by the government is ammunition. \* \* \* There is but one troop of dragoons in all New Mexico of the regular force, which is stationed at Santa Fé, and is 100 strong. Of this troop the governor is always the captain; but they are



commanded by a first lieutenant, who is captain by brevet. The men capable of bearing arms in this province may be estimated at 5,000; of those probably 1,000 are completely armed, 1,000 badly, and the rest not at all."

Of the general character of the New Mexicans Lieutenant Pike observes that the fact of their being on the frontier and cut off from the more inhabited parts of the kingdom, together with their continual wars with some of the savage nations that surround them "render them the bravest and most hardy subjects in New Spain; being generally armed, they know the use of them. Their want of gold and silver renders them laborious, in order that the productions of their labor may be the means of establishing the equilibrium between them and the other provinces where those metals abound. Their isolation and remote situation also cause them to exhibit, in a superior degree, the heaven-like qualities of hospitality and kindness. \* \* \* And I shall always take pleasure in expressing my gratitude for their noble reception of myself and the men under my command."

It is noteworthy that Lieutenant Pike found only one or two Americans from the States living in New Mexico. A French creole, named LaLande, who is described as a treacherous rogue, had come from Illinois to New Mexico with a stock of goods furnished him by an American merchant named Morrison, and had established himself at San Juan. At Santa Fé was found a man named Colly, then acting as interpreter for the governor, and who had been a member of the ill-fated Nolan expedition into Texas.

At Santa Fé Lieutenant Pike discovered James Pursley and accords him the honor of being "the first American who ever penetrated the immense wilds of Louisiana and showed the Spaniards of New Mexico that neither the savages who surround the deserts which divide them from the habitable world, nor the jealous tyranny of their rulers, was sufficient to prevent the enterprising spirit of the Americans penetrating the arcanum of their rich establishment in the new world." Pursley was from near Bairdstown, Ky., which he left in 1799. In 1802 he set out from St. Louis and for several years traded with the Indian tribes of the Kansas plains and about the Osage and Arkansas rivers. In 1805 he and his two companions and two Indians were selected as emissaries of a large band of Indian hunters and traders to go to Santa Fé and inquire if the Spaniards would receive them friendly and enter into trade with them. "This being acceded to by the governor (Allencaster), the Indian deputies returned for their bands; but Pursley thought proper to remain with a civilized people. He arrived at Santa Fé in June, 1805, and had been following his trade, a carpenter, ever since, at which he made a great deal of money, except when working for the officers, who paid him little or nothing. He was a man of strong natural sense and dauntless intrepidity. He was once near being hanged for making a few pounds of gunpowder, which he innocently did, as he had been accustomed to do in Kentucky, but which is a capital crime in these provinces. He was forbidden to write, but was assured he should have a passport whenever he demanded it, but was obliged to give security that he would not leave the country without permission of the government."

#### SANTA FE TRAIL.

Practically nothing was known among Americans of Santa Fé and the possibilities of trade there until the return of Lieutenant Zebulon Pike from his expedition.

Pike's descriptions of the resources of the northern part of New Mexico attracted immediate attention to that region, especially throughout the Missouri valley. In 1812 McKnight, Beard, Chambers and eight or nine others fitted out an expedition for trading purposes and succeeded in reaching Santa Fé over the route described by Pike. Unfortunately for them they reached the town during the closing days of the revolutionary movements which had just been checked by the royalist successes. They were seized as spies, their goods confiscated, and they were sent as prisoners to Chihuahua, where they were confined for nine years. Two of the party returned to the United States in 1821, and the stories they related, instead of discouraging, prompted others to embark upon the same enterprise. Among these was an Ohio merchant named Glenn, who had established an Indian trading post near the mouth of the Verdigris, who reached Santa Fé late in the fall of 1821. About the same time Captain Becknell and four companies started from Franklin, Mo., intending to trade with the Comanche Indians; but a party of Mexican rangers persuaded them to take their wares to Santa Fé, where they disposed of them easily at an enormous profit.

Up to this time New Mexico had secured all its supplies from the internal provinces of Mexico, by way of Vera Cruz, and these were sold at most exorbitant prices—ten to fifteen times as much as they were worth in the eastern markets. Becknell returned east alone the succeeding winter, leaving his companions; and his account stimulated others to similar undertakings. In May, 1822, Colonel Cooper, his sons, and a dozen or more neighbors, all Missourians, started out with about five thousand dollars' worth of merchandise, which they transported on pack mules to Taos. A month later Captain Becknell, accompanied by about thirty men, set out upon his second trip westward. Anxious to avoid the circuitous route he had followed the first time, he left the Arkansas river at "the caches," striking directly for Santa Fé across the unknown desert. Unable to procure food or water, they were reduced to the killing of their dogs, and even cutting off the ears of their mules, in the hope of quenching their thirst by drinking the hot blood. Maddened by torture, they separated in the hope that some of the party might find water. Not suspecting that they were almost upon the banks of the Cimarron, they had determined to attempt to retrace their steps to the Arkansas, when they saw a buffalo, his stomach distended with water. The animal was immediately killed, and they quenched their thirst by drinking the filthy water they found in his stomach. Strengthened by this draught, some of the party managed to reach the river, where they filled all the canteens. By degrees the greater sufferers in the party were relieved of their distress, just when death seemed imminent, and the journey was resumed.

The Santa Fé trade may be said to date from 1822. Until 1824 goods were transported upon the backs of mules or horses. In 1824 a company of about eighty missionaries set out with a great trainload of wares, including both pack mules and wagons, the first wheeled vehicles to cross the plains. Colonel Marmaduke, afterward governor of Missouri, was a member of this party, which carried about \$30,000 worth of merchandise to Santa Fé.

Troubles with the Indians began at an early day, and the traders finally felt compelled to ask the Federal government for escorts. The de-

mand was instantly met, and in the spring of 1829 Major Riley accompanied an expedition as far west as Chouteau's Island, in the Arkansas. This escort, and one commanded by Captain Wharton in 1834, constituted the only military protection granted the Santa Fé trade until 1843, when Captain Cook commanded large escorts for two caravans as far as the Arkansas river.

The original Santa Fé trail\*, beginning at Independence, passed through Westport, traversing the plains of Kansas in a direction a little south of west, until it reached the great bend of the Arkansas river, which it crossed at Fort Dodge. It followed the course of the river until it crossed the present western boundary of Kansas. It cut off the southeastern corner of what is now Colorado, traversed a portion of the Pan-

\*NOTE.—Gregg, in his "Commerce of the Prairies," gives the following table of distance and stations on the Santa Fé trail, based on estimates made on six trips between Independence and Santa Fé, and therefore to be taken as substantially accurate :

From Independence to—	Miles.	Aggregate.
Round Grove .....	35	...
Narrows .....	30	65
110-Mile Creek.....	35	100
Bridge Creek .....	8	108
Big John Spring.....	40	148
Council Grove .....	2	150
Diamond Spring .....	15	165
Lost Spring .....	15	180
Cottonwood Creek .....	12	192
Turkey Creek .....	25	217
Little Arkansas .....	17	234
Cow Creek .....	20	254
Arkansas River .....	16	270
Walnut Creek .....	8	278
Ash Creek .....	19	297
Pawnee Fork .....	6	303
Coon Creek .....	33	336
Caches .....	36	372
Ford of Arkansas.....	20	392
Sand Creek .....	50	442
Cimarron River .....	8	450
Middle Spring .....	36	486
Willow Bar .....	26	512
Upper Spring .....	18	530
Cold Spring .....	5	535
McNees Creek .....	25	560
Rabbit-Ear Creek .....	20	580
Round Mound .....	8	588
Rock Creek .....	8	596
Point of Rocks.....	19	615
Rio Colorado .....	20	635
Ocate .....	6	641
Santa Clara Spring.....	21	662
Rio Mora .....	22	684
Rio Gallinas (Vegas).....	20	704
Ojo de Bernal.....	17	721
San Miguel .....	6	727
Pecos Village .....	23	750
Santa Fé .....	25	775

During General Kearny's march upon Santa Fé, Captain Alexander B. Dyer, an officer in the command, measured the distance from point to point in the route after leaving Fort Leavenworth, employing a viameter. He found the mileage to be as

handle of Texas and then passed into New Mexico and on to Santa Fé, Fort Union then being about eight miles to the north of the trail. After a few years it continued west from the Arkansas river to Trinidad, crossing the Raton mountains on or near the line now traversed by the Santa Fé railroad. On this trail the Arkansas river was crossed at Fort Bent, near the site of La Junta. The trail was about eight hundred miles in length. Through the mountains there were many places where it was necessary to hew a path out of steep hillsides. In the winter the snows would frequently drift so deep into the canyons that every trace of the trail would be obliterated.

While the town of Franklin (Boonville), Mo., was the original eastern headquarters of the Santa Fé trade, the town of Independence was made an important center in 1831. From that point to New Mexico there was not a human abode on the trail, or near it. The "Commerce of the Prairies" thus describes the entrance of a caravan into the ancient city of Santa Fé:

"The arrival produced a great deal of bustle and excitement among the natives. '*Los Americanos!*' '*Los Carros!*' '*La entrada de la caravana!*' were to be heard in every direction; and crowds of women and boys flocked around to see the new comers; while crowds of *leperos* hung about as usual to see what they could pilfer. The wagoners were by no means free from excitement at this occasion. Informed of the ordeal they had to pass, they had spent the previous morning in 'rubbing up'; and now they were prepared with clean faces, sleek combed hair and their choicest Sunday suit, to meet the fair eyes of glistening black that were sure to stare at them as they passed. There was yet another preparation to be made in order to 'show off,' to advantage. Each wagoner must tie a brand-new 'cracker' to the lash of his whip; for, on driving through the streets and the *plaza publica*, every one strives to outlive his comrades in the dexterity with which he flourishes this favorite badge of his authority.

"Our wagons were soon discharged in the warerooms of the customhouse; and a few days' leisure being now at our disposal, we had time to take that recreation which a fatiguing journey of ten weeks had rendered so necessary. The wagoners, and many of the traders, particularly the novices, flocked to the numerous fandangoes, which are regularly kept up after the arrival of a caravan. But the merchants generally were actively and anxiously engaged in their affairs—striving who should first get his goods out of the customhouse, and obtain a chance at the 'hard-chink' of the numerous country dealers, who annually resort to the capital on these occasions.

"\* \* \* The *derechos de arancel* (tariff imposts) of Mexico are extremely

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follows: Fort Leavenworth to the Upper Ferry of the Kansas river, 25 miles; to Willow Spring, 17; to One Hundred and Ten Creek, 24; to Beaver Creek, 12; to Dagoon Creek, 8; to Bluff Creek, 13; to Council Grove, 12; to Diamond Spring, 15; to Lost Spring, 14; to Cotton Wood, 15; to Main Turkey Creek, 18; to the Little Arkansas, 26; to Big Cow Creek, 21; to Walnut Creek, 25; to Pawnee Fork, 25; to Cow Creek, 12; to Fort Mann, 55; to the crossing of the Arkansas, 26; to Sand Creek, 50; to the lower spring on the "Cimerone," 8; to the middle spring, 34; to the crossing of the "Cimerone," 27; to Cold Spring, 18; to Cedar Spring, 14; to McNee's Creek, 10; to Cotton Wood, 10; to Rabbit-Ear Spring, 14; to Whetstone, 24; to Point of Rocks, 15; to Red river, 21; to Ocate, 5; to Wagon Mound, 20; to Rock Creek, 16; to Mora river, 8; to Las Vegas, 19; to "St. Miguel," 23; to "Old Pecos church," 24; to Santa Fé, 24; making the total distance from Fort Leavenworth to Santa Fé, 757 miles. From Santa Fé southward these distances were recorded: To "Albuquerque," 65; to Peralto (The Oteros), . . . ; to La Joya, 45; to Socorro, 18; to the ford of the Del Norte (Rio Grande), above the ruins of Val Verde, 25; to "Fra Christoval" (Fray Cristobal), entrance of Jornada de los Muerto (Jornada del Muerto), 16; to Doña Anna (Mexican town), 95; to the grove on the river, 15; to Brazito, 16; to El Paso, 32—the total from Fort Leavenworth to El Paso being given as 1,104 miles.

oppressive, averaging about a hundred per cent upon the United States' cost of an ordinary 'Santa Fé assortment.' Those on cotton textures are particularly so. According to the *arancel* of 1837 (and it was still heavier before), all plain-woven cottons, whether white or printed, pay twelve and one-half cents duty per *vara*; besides the *derecho de consumo* (consumption duty), which brings it up to at least fifteen. \* \* \*

"For a few years, Governor Armijo of Santa Fé established a tariff of *his own*, entirely arbitrary—exacting five hundred dollars for each wagon-load, whether large or small—of fine or coarse goods! Of course, this was very advantageous to such traders as had large wagons and costly assortments, while it was no less onerous to those with smaller vehicles or coarse, heavy goods. As might have been anticipated, the traders soon took to conveying their merchandise only in the largest wagons, drawn by ten or twelve mules, and omitting the coarser and more weighty articles of trade. This caused the governor to return to the *ad valorem* system. \* \* \*

"The arrival of a caravan at Santa Fé changes the aspect of the place at once. Instead of the idleness and stagnation which its streets exhibited before, one now sees everywhere the bustle, noise and activity of a lively market town. Taking the circuit of the stores, I found they usually contained general assortments, much like those to be met with in the retail variety stores of the West. The stocks of the inexperienced merchants are apt to abound in unsalable goods—*mulas*, as the Mexicans figuratively term them."

In his "Commerce of the Prairies," Dr. Gregg estimates the amount of merchandise invested in the Santa Fé trade from 1822 to 1843, inclusive, as follows:

1822.....	\$ 15,000	1833.....	180,000
1823.....	12,000	1834.....	150,000
1824.....	35,000	1835.....	140,000
1825.....	65,000	1836.....	130,000
1826.....	90,000	1837.....	150,000
1827.....	85,000	1838.....	90,000
1828.....	150,000	1839.....	250,000
1829.....	60,000	1840.....	50,000
1830.....	120,000	1841.....	150,000
1831.....	250,000	1842.....	160,000
1832.....	140,000	1843.....	450,000

The overland freight trains of the early days crossed the plains into New Mexico in something of the character of a military expedition. The trains consisted, generally, of from twenty to sixty or more heavy wagons, each drawn by oxen or mules. Sometimes, when very heavily laden, as many as five pair of oxen would be hitched to each wagon. Frequently a considerable herd of loose cattle would be driven along with the train, which could be drawn upon to fill the teams in case of injury to or death of the oxen. Not infrequently the length of a train would be a mile or more. The vehicles were usually what was known in those days as "prairie schooners." They were strong, heavy wagons, with long, high beds, and would carry loads of from three to five tons each. Each wagon had a driver. The wagon-master, or *major domo*, had a general oversight of the train, and the herders, usually several in number, had charge of the stock. Most trains were accompanied by an ambulance for the transportation of provisions and special passengers.

The train crew were divided into parties of ten or a dozen each, called *messes*; and each mess was furnished with a complete camp outfit for cooking purposes. The cooks were selected from among the teamsters, received extra pay, and were relieved of guard duty and the other work which fell to the drivers while in camp. Upon arriving at a place selected for camping for the night, the wagons were driven into position into two

lines, so as to form a circular corral. The wagon tongues were turned outside of the corral and the forewheel of one wagon rested against the rear wheel of the one directly in front of it. This left all the cattle outside of the improvised corral, and they were then unyoked and driven to water, after which they were watched by the herders while they fed on the prairie grass. This was the ordinary camp corral. What was known as a fighting corral, formed when an attack by Indians was made or anticipated, was made by turning the wagon tongues inside the circle. This brought the cattle all inside the corral, rendering it easy to protect them and prevent them from stampeding. When the start was made early in the morning after a night's rest, the cattle which had followed the wagons on the preceding day were yoked, and those which had labored were allowed to bring up the rear. These trains moved and were governed with military precision. The *major-domo* was absolutely in control and his word was law.

When the wagons were driven into line in the morning each driver took his place beside his wagon and awaited the order to start. The wagons were always kept at a uniform distance from one another, like soldiers marching in single file. By maintaining discipline in this way—and all experienced train-masters observed these precautions—there were no stragglers to look after, and preparations for a fight could be made on short notice, a thing which was sometimes quite necessary for the salvation of the train and the men. The average day's travel was sixteen to eighteen miles, though some trains maintained an average of twenty miles. It usually required about four months to make the trip from Fort Union to Westport or Leavenworth and return.

As a rule the trains going east carried about half the load of those west-bound. The east-bound freight generally consisted of little but the peltry gathered in the mountains. The pay for the transportation of merchandise westward varied slightly, growing smaller as business in the southwest increased and competition in freighting grew keener. For carrying goods through from Westport to Fort Union, for many years the principal destination in New Mexico, eight dollars per hundred was the ruling price for many years, a freight bill on a train of stores and merchandise frequently amounting to many thousands of dollars. The value of the merchandise shipped frequently aggregated between one hundred thousand and two hundred thousand dollars. Some of the shrewdest and most sagacious of the early fighters were able, however, to pay practically the entire expenses of the trip by the sale, in the east, of furs or other commodities they had gathered, leaving the sum received for the westward trip clear profit. Teamsters were paid from twenty to twenty-five dollars per month, and provisions would cost an average of about a thousand dollars per trip, which left, for the average train, a net profit of five to ten thousand dollars, aside from any additional profit arising from private transactions. The freighting business, however, was confined to those months when the plains and mountains were relatively free from snow.

Regular freighting trips across the plains began in the twenties, but it was not until 1846 or 1847 that the passenger stages were placed in operation between Independence, Mo., and Santa Fé. Each month a stage would start, about the same time, from Independence and from Santa Fé. As passenger traffic increased trips were made semi-monthly; then



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weekly, then finally three times per week. Six mules or horses were usually attached to each stage. As the demand for quicker trips increased the animals were changed more frequently—about every twenty miles while traversing the mountain region. It required about two weeks to make the trip by passenger coach, barring accidents. Each coach would carry eleven passengers, nine of whom rode inside and two outside. The fare was two hundred and fifty dollars, and each passenger was permitted to carry forty pounds of baggage free. For extra weight fifty cents per pound was the charge. Passengers were entitled to their board en route, their fare consisting chiefly of "hard tack" and pork, and such wild meat as could be killed on the road. As travel was continued day and night without interruption, the only sleep possible was such as might be obtained while seated in the rolling vehicle.

As the country began to be more thickly, or less thinly settled, stage stations were established at various points along the route, at which rough hotel accommodations were provided. On frequent occasions passengers would be compelled to vary the monotony of the trip by walking a portion of the way as the result of breakdowns or the exhaustion of horses or mules. During the period when the Indians of the plains were on the warpath it became necessary to have both freight trains and passenger coaches accompanied by escorts of the military over those portions of the trail where the menace was considered as serious. Strange as it may seem to the present generation, the experienced stage driver aimed to cover the most dangerous part of the road at night during the periods of Indian threatenings, because, as a rule, the Indians would not attack at night, preferring daylight for hostilities.

## NEW MEXICO IN 1840-1850.

Before entering upon the narrative of the intricate series of events and political conditions, involving now the internal affairs of New Mexico, now its relations with the central government at Mexico, and now the American invasion from the north, all combining to effect eventually the transfer of New Mexico to the American republic, it will be well to describe through the medium of a writer whose work is the classic for this period the conditions in New Mexico as observed at the beginning of the forties. The province was at that time little advanced beyond the state of progress described by Lieutenant Pike in 1807. Indeed the following quotations from Gregg's "Commerce of the Prairies" supplement and extend Pike's description, and taken together the two form a fairly accurate picture of the New Mexico as it had been developed under Spanish civilization and up to the point where American occupation begins.

The Santa Fé trail had been open as a commercial highway for nearly twenty years. The new outlook it afforded to the New Mexican people, the inevitable broadening of ideas which such trade intercourse brings about, not to mention its material advantages, must already, when Gregg wrote, have been felt as a strong impulse toward the breaking up of that territorial isolation which he describes as though a background to the stirring scenes that soon followed. New Mexico, says Gregg, "though bounded north and east by the territory of the United States, south by that of Texas and Chihuahua, and west by Upper California, is surrounded by chains of mountains and prairie wilds, extending to a distance of 500 miles or more, except in the one direction of Chihuahua, from which its settlements are separated by an unpeopled desert of nearly two hundred miles—and without a single means of communication by water with any other part of the world. The whole nominal territory, including those bleak and uninhabitable regions with which it is intersected, comprises about 200,000 square miles, considered according to its original boundaries, and therefore independently of the claims of Texas to the Rio del Norte. To whichever sovereignty that section of land may eventually belong, that portion of it at least which is inhabited, should remain united. Any attempt on the part of Texas to make the Rio del Norte the line of demarkation would greatly retard her ultimate acquisition of the territory, as it would leave at least one-third of the population accustomed to the same rule, and bound by ties of consanguinity and affinity of customs wholly at the mercy of the contiguous hordes of savages that inhabit the Cordilleras on the west of them." The latter passage seems to bear especially on the design of Texas to extension of her territory and in line with which one plan was being put into execution at the time of Gregg's writing.

Continuing his description: "Santa Fé, the capital of New Mexico, is the only town of any importance in the province. We sometimes find it written Santa Fé de San Francisco (Holy Faith of St. Francis), the



latter being the patron, or tutelary saint. Like most of the towns in this section of the country it occupies the site of an ancient Pueblo or Indian village, whose race has been extinct for a great many years. Its situation is twelve or fifteen miles east of the Rio del Norte, at the western base of a snow-clad mountain, upon a beautiful stream of small mill-power size, which ripples down in icy cascades, and joins the river some twenty miles to the southwestward. The population of the city itself but little exceeds 3,000; yet, including several surrounding villages which are embraced in its corporate jurisdiction, it amounts to nearly 6,000 souls.

"The town is very irregularly laid out, and most of the streets are little better than common highways traversing scattered settlements which are interspersed with cornfields nearly sufficient to supply the inhabitants with grain. The only attempt at anything like architectural compactness and precision consists in four tiers of buildings, whose fronts are shaded with a fringe of *portales* or *corridores* of the rudest possible description. They stand around the public square, and comprise the *palacio*, or governor's house, the custom house, the barracks (with which is connected the fearful *calabozo*), the *casa consistorial* of the *alcaldes*, the *capilla de los Solados* or military chapel, besides several private residences, as well as most of the shops of the American traders.

"The population of New Mexico is almost exclusively confined to towns and villages, the suburbs of which are generally farms. Even most of the individual *ranchos* and *haciendas* have grown into villages, a result almost indispensable for protection against the marauding savages of the surrounding wilderness. The principal of these settlements are located in the valley of the Rio del Norte, extending from nearly one hundred miles north to about one hundred and forty south of Santa Fé. The settlements up the river from the capital are collectively known as *Rio-Arriba*, and those down the river as *Rio-Abajo*. The latter comprise over a third of the population, and the principal wealth of New Mexico. The most important town, next to the capital, is El Valle de Taos ("the valley of Taos") there being no town of this name. It includes several villages and other settlements, the largest of which are Fernandez and Los Ranchos, four or five miles apart), so called in honor of the Taos tribe of Indians, a remnant of whom still forms a Pueblo in the north of the valley.

"The first settler of the charming valley of Taos, since the country was reconquered from the Indians, is said to have been a Spaniard named Pando, about the middle of the eighteenth century. This pioneer of the north, finding himself greatly exposed to the depredations of the Comanches, succeeded in gaining the friendship of that tribe by promising his infant daughter, then a beautiful child, to one of their chiefs in marriage. But the unwilling maiden, having subsequently refused to ratify the contract, the settlement was immediately attacked by the savages, and all were slain except the betrothed damsel, who was led into captivity. After living for some years with the Comanches on the great prairies, she was bartered away to the Pawnees, of whom she was eventually purchased by a merchant of St. Louis. Some very respectable families of that city are descended from her; and there are many people yet living who remember with what affecting pathos the old lady was wont to tell her tale of woe. She died but a few years ago. \* \* \*

"There has never been an accurate census taken in New Mexico. Of

the results of one which was attempted in 1832, the Secretary of State at Santa Fé speaks in the following terms:

"At present (1841) we may estimate the Spanish or white population, at about 60,000 souls or more, being what remains of 72,000, which the census taken eight or nine years ago showed there then existed in New Mexico." He supposed that the great diminution resulted from the ravages of the frightful diseases already alluded to (an epidemic of typhoid fever which ravaged the whole province from 1837 to 1839, carrying off nearly ten per cent of the population). \* \* \* If we exclude the subjugated savages, the entire population of New Mexico, including the Pueblo Indians, cannot be set down, according to the best estimates I have been able to obtain, at more than 70,000 souls. These may be divided as follows: White creoles, say 1,000; Mestizos, or mixed creoles, 59,000; and Pueblos, 10,000. Of naturalized citizens, the number is inconsiderable—scarcely twenty; and if we except transient traders, there are not over double as many alien residents. There are no negroes in New Mexico, and consequently neither mulattoes nor *Zambos*.

"Agriculture, like most everything else in New Mexico, is in a very primitive and unimproved state. A great portion of the peasantry cultivate with the hoe alone—their ploughs (where they have any) being only used for mellow grounds, as they are too rudely constructed to be fit for any other service. Those I have seen in use are mostly fashioned in this manner: a section of the trunk of a tree, eight or ten inches in diameter, is cut about two feet long, with a small branch left projecting upwards, of convenient length for a handle. With this a beam is connected, to which oxen are yoked. The block, with its fore end sloped downwards to a point, runs flat and opens a furrow similar to that of the common shovel plough. What is equally worthy of remark is that these ploughs are often made exclusively of wood, without one particle of iron, or even a nail to increase their durability. \* \* \*

"The staple productions of the country are emphatically Indian corn and wheat. The former grain is most extensively employed for making *tortillas*—an article of food greatly in demand among the people, the use of which has been transmitted to them by the aborigines. The corn is boiled in water with a little lime; and when it has been sufficiently softened, so as to strip it of its skin, it is ground into paste upon the *metate* (a hollowed oblong stone, used as a grinding machine), and formed into a thin cake. This is afterward spread on a small sheet of iron or copper, called *comal* (comalli, by the Indians), and placed over the fire, where, in less than three minutes, it is baked and ready for use. The thinness of the tortilla is always a great test of skill in the maker, and much rivalry ensues in the art of preparation. \* \* \* A sort of thin mush, called *atole*, made of Indian meal, is another article of diet, the preparation of which is from the aborigines; and such is its nationality that in the north it is frequently called *el café de los Mexicanos* (the coffee of the Mexicans). They virtually breakfast, dine and sup upon it. Of this, indeed, with *frijoles* and *chile* (beans and red pepper), consists their principal food. \* \* \* The very singular custom of abstaining from all sorts of beverage during meals has frequently afforded me a great deal of amusement. Although a large cup of water is set before each guest, it is not customary to drink it off till the repast is finished. Should any one take

it up in his hand while in the act of eating, the host is apt to cry out, 'Hold, hold! there is yet more to come.' What also strikes the stranger as a singularity in that country is that the females rarely ever eat with the males—at least in the presence of strangers—but usually take their food in the kitchen by themselves. \* \* \*

"There is no part of the civilized globe, perhaps, where the arts have been so much neglected, and the progress of science so successfully impeded as in New Mexico. Reading and writing may fairly be set down as the highest branches of education that are taught in the schools; for those pedants who occasionally pretend to teach arithmetic very seldom understand even the primary rules of the science of numbers. I should, perhaps, make an exception in favor of those ecclesiastics who have acquired their education abroad; and who, from their vocation, are necessarily obliged to possess a smattering of Latin. Yet it is a well-known fact that a majority of this privileged class, even, are lamentably deficient in the more important branches of familiar science. I have been assured by a highly respected foreigner, who has long resided in the country, that the questions were once deliberately put to him by a curate—whether Napoleon and Washington were not one and the same person, and whether Europe was not a province of Spain?

"From the earliest time down to the secession of the colonies, it was always the policy of the Spanish government, as well as of the papal hierarchy, to keep every avenue of knowledge closed against their subjects of the New World, lest the lights of civil and religious liberty should reach them from their neighbors of the north. Although a system of public schools was afterward adopted by the republic, which, if persevered in, would no doubt have contributed to the dissemination of useful knowledge, yet its operations had to be suspended about ten years ago, for want of the necessary funds to carry out the original project. It is doubtful, however, whether the habitual neglect and utter carelessness of the people, already too much inured to grope their way in darkness and in ignorance, added to the inefficiency of the teachers, would not eventually have neutralized all the good that such an institution was calculated to effect. The only schools now in existence are of the lowest primary class, supported entirely by individual patronage, the liberal extension of which may be inferred from the fact that at least three-fourths of the present population can neither read nor write. To illustrate the utter absence of geographical information, among the humbler classes, it is only necessary to mention that I have been asked by persons who have enjoyed a long intercourse with Americans whether the United States was as large a place as the town of Santa Fé! \* \* \* Until very lately, to be able to read and write on the part of a woman was considered an indication of very extraordinary talent; and the fair damsel who could pen a billet-doux to her lover was looked upon as almost a prodigy. There is, however, to be found among the higher classes a considerable sprinkling of that superficial refinement which is the bane of fashionable society everywhere, and which consists, not in superiority of understanding, not in acquired knowledge, but in that peculiar species of assumption which has happily been styled 'the flowing garment with which Ignorance decks herself!' \* \* \*

"In nothing is the deplorable state of things already noticed made more clearly manifest than in the absence of a public press. There has

never been a single newspaper or periodical of any kind published in New Mexico, except in the year 1834, when a little foolscap sheet (entitled *El Crepuscolo*) was issued weekly, for about a month, to the tune of fifty subscribers, and was then abandoned, partially for want of patronage and partially because the editor had accomplished his object of procuring his election to congress. Indeed, the only printing press in the country is a small affair which was brought the same year across the prairies from the United States, and is now employed occasionally in printing billets, primers and Catholic catechisms. This literary negligence is to be attributed, not more to the limited number of reading people than to those injudicious restrictions upon that freedom of the press which is so essential to its prosperity. \* \* \*

"Medical science is laboring under similar disadvantages, there being not a single native physician in the province. Neither is there a professed lawyer in New Mexico. \* \* \* In architecture the people do not seem to have arrived at any great perfection, but rather to have conformed themselves to the clumsy style which prevailed among the aborigines, than to waste their time in studying modern masonry and the use of lime. Wood buildings of any kind or shape are utterly unknown in the north of Mexico, with the exception of an occasional picket-hut in some of the ranchos and mining places. \* \* \*

"Wagons of Mexican manufacture are not to be found, although a small number of American-built vehicles, of those introduced by the trading caravans, have grown into use among the people. Walking is more calculated to attract the curiosity of strangers than the unwieldy *carretas*, or carts of domestic construction, the massive wheels of which are generally hewed out of a large cottonwood. This, however, being rarely of sufficient size to form the usual diameter, which is about five feet, an additional segment, or felloe, is pinned upon edge, when the whole is fashioned into an irregular circle. A crude pine or cottonwood pole serves for the axle-tree, upon which is tied a rough frame of the same material for a body. In the construction of these *carretas* the use of iron is, for the most part, wholly dispensed with; in fact, nothing is more common than a cart, a plow, and even a mill, without a particle of iron or other metal about them. To this huge truckle it is necessary to hitch at least three or four yokes of oxen; for even a team of six would find it difficult to draw the load of a single pair with an ordinary cart. The labor of the oxen is much increased by the Mexican mode of harnessing, which appears peculiarly odd to a Yankee. A rough pole serves for a yoke, and, with the middle tied to the cart-tongue, the extremities are placed across the heads of the oxen behind the horns, to which they are firmly lashed with a stout raw-hide thong. Thus the head is maintained in a fixed position, and they pull, or rather push by the force of the neck, which, of course, is kept continually strained upwards. Rough and uncouth as these *carretas* always are, they constitute nevertheless the 'pleasure-carriages' of the rancheros, whose families are conveyed in them to the towns, whether to market, or to fiestas, or on other joyful occasions. \* \* \*

"The New Mexicans appear to have inherited much of the cruelty and intolerance of their ancestors, and no small portion of their bigotry and fanaticism. Being of a highly imperative temperament and of rather

accommodating moral principles—cunning, loquacious, quick of perception and sycophantic, their conversation frequently exhibits a degree of tact—a false glare of talent, imminently calculated to mislead and impose. They have no stability except in artifice, no profundity except for intrigue—qualities for which they have acquired an unenviable celerity. Systematically cringing and subservient while out of power, as soon as the august mantle of authority falls upon their shoulders, there are but little bounds to their arrogance and vindictiveness of spirit. \* \* \*

“The Northern Mexicans have often been branded with cowardice, a stigma which may well be allowed to rest upon the wealthier classes, and the city-bred Caballeros, from whose ranks are selected the military leaders who decide the fate of battles. But the rancheros, or, as they might be still more appropriately styled, the yeomanry of the country, inured as they are from their peculiar mode of life to every kind of fatigue and danger, possess a much higher caliber of moral courage. Their want of firmness in the field is partially the result of their want of confidence in their commanders, while the inefficacy and worthlessness of their weapons are alone sufficient to inspire even a valiant heart with dismal forebodings.”

## SPANISH AND MEXICAN RULE

The decadence of Spain and the unhappy condition of her colonies at the beginning of the nineteenth century may be fairly attributed to vicious, unnatural government. As the conquest of Mexico had not been conceived in a spirit of beneficence, the various sovereigns continued the system of plunder with which it was begun. This utterly artificial system thwarted both physical and intellectual development. The Indians and Creoles, stupid as they were believed to be in Spain, nevertheless understood and felt the wretchedness of their condition, and in their hearts cherished an intense hatred of their masters. This feeling naturally was accompanied by a desire to avenge their wrongs.

With the seizure of Spain by France, Mexico was compelled to rely upon itself for temporary government. All classes seemed to be united in loyalty to the legitimate king and hatred of Napoleon. None seemed to feel that it was a proper time to free his native land entirely from colonial thralldom. But as the prestige of Spanish power had been destroyed and the Spanish throne was occupied by a French king, a sudden revulsion in popular sentiment took place. The memory of oppression, bad government and misery was kindled afresh, and when the popular uprising finally took place its bitterness was manifested in a general outcry against Spain.

Joseph Bonaparte was king, and his emissaries were endeavoring to prepare the people for the ratification and permanence of the new government. In the meantime there was organized in 1810 a secret league among the leaders of thought in Mexico and the other provinces, but their plot for a general revolt was detected as it was about to be put into execution. The desire was to overthrow the Spaniards, not to unseat the French king. The original rebellion, headed by the curate Hidalgo, was soon thrown from the hands of the Creoles into those of the Indians, and a war of races was imminent. But Venegas, the viceroy, combined with the church authorities against the rebels. Hidalgo was captured and shot, and his death and the wholesale slaughter of the rebel forces reduced the remainder to the necessity of guerrilla warfare. On November 13, 1813, the provisional congress published a declaration of independence; but this body was finally driven to the mountain forests where, on October 22, 1814, it adopted the Constitution of Apatzingo. Morelos, the soldier priest who had led insurgent forces since the death of Hidalgo, was shot December 22, 1815; and with his death the hopes of the insurgents and their efforts paralyzed.

In the meantime the Spanish constitution of 1812 had been proclaimed in Mexico, on September 29 of that year. The remaining officers of Morelos spread themselves over the country in the hope of keeping alive the revolutionary fervor. Apodaca, now viceroy, who realized that his power was greatly diminished by the constitution, was disposed to proclaim the absolute authority of the king by 1820, and to this end he

selected Agustin de Iturbide, a native Mexican and a gallant warrior, as commander of the army. Iturbide accepted the commission; but instead of allying himself with the cause of a falling monarchy, he resolved to abandon the viceroy and his project against the constitution and to throw his whole support toward the cause of the country—absolute independence. On February 24, 1821, while at the small town of Iguala, he proclaimed the plan of Iguala, the cardinal principles of which were independence, the maintenance of Roman Catholicism, and union. This most important state paper is as follows:

Article I. The Mexican nation is independent of the Spanish nation, and of every other, even on its own continent.

Article II. Its religion shall be the Catholic, which all its inhabitants profess.

Article III. They shall all be united, without any distinction between Americans and Europeans.

Article IV. The government shall be a constitutional monarchy.

Article V. A junta shall be named, consisting of individuals who enjoy the highest reputation in different parties which have shown themselves.

Article VI. This junta shall be under the presidency of his excellency Conde del Venadito, the present viceroy of Mexico.

Article VII. It shall govern in the name of the nation, according to the laws now in force, and its principal business will be to convoke, according to such rules as it shall deem expedient, a congress for the formation of a constitution more suitable to the country.

Article VIII. His Majesty Ferdinand VII shall be invited to the throne of the empire, and in case of his refusal, the Infantes Don Carlos and Don Francisco De Paula.

Article IX. Should His Majesty Ferdinand VII and his august brothers decline the invitation, the nation is at liberty to invite to the imperial throne any member of reigning families whom it may choose to select.

Article X. The formation of the constitution by the congress, and the oath of the emperor to observe it, must precede his entry into the country.

Article XI. The distinction of castes is abolished, which was made by the Spanish law, excluding them from the rights of citizenship. All the inhabitants are citizens, and equal, and the door of advancement is open to virtue and merit.

Article XII. An army shall be formed for the support of religion, independence, and union, guaranteeing these three principles, and therefore shall be called the Army of the Three Guaranties.

Article XIII. It shall solemnly swear to defend the fundamental basis of this plan.

Article XIV. It shall strictly observe the military ordinances now in force.

Article XV. There shall be no other promotions than those which are due to seniority, or which are necessary for the good of the service.

Article XVI. The army shall be considered as of the line.

Article XVII. The old partisans of independence who shall adhere to this plan shall be considered as individuals of this army.

Article XVIII. The patriots and peasants who shall adhere to it hereafter shall be considered as provincial militiamen.

Article XIX. The secular and regular priests shall be continued in the state which they now are.

Article XX. All the public functionaries, civil, ecclesiastical, political and military, who adhere to the cause of independence shall be continued in their offices, without any distinctions between Americans and Europeans.

Article XXI. These functionaries, of whatever degree and condition, who dissent from the cause of independence, shall be divested of their offices, and shall quit the territory without taking with them their families and effects.

Article XXII. The military commandants shall regulate themselves according to the general instructions in conformity with this plan, which shall be transmitted to them.

Article XXIII. No accused person shall be condemned capitally by the military commandants. Those accused of treason against the nation, which is the next greatest crime after that of treason to the Divine Ruler, shall be conveyed to the fortress of

Barbaras, where they shall remain until congress shall resolve on the punishment that ought to be inflicted on them.

Article XXIV. It being indispensable to the country that this plan should be carried into effect, inasmuch as the welfare of that country is its object, every individual of the army shall maintain it, to the shedding (if it be necessary) of the last drop of his blood.

It will be seen by the Plan of Iguala that independent sovereignty, in some form, was planned. Iturbide was still a Royalist, and he never became a Republican. The entire army—but eight hundred men—swore fealty to the project, though many deserted upon discovery that the country did not take a unanimous favorable view. The viceroy, completely surprised, hesitated and was deposed. The appointment of his successor was not received with popular acclaim, and Iturbide was able to prosecute his plans without the slightest resistance. With the exception of the capital, the whole country rallied to his support. A compromise was soon effected with the new viceroy, and on September 27, 1821, the army entered the capital. A provisional junta of thirty-six persons elected a regency of five, of which Iturbide was president. At the same time he was created generalissimo and lord high admiral, with a yearly salary of one hundred and twenty thousand dollars. On February 24, 1822, the first Mexican congress, or cortes, met. Immediately three parties arose—the Bourbonists, who adhered to the Plan of Iguala and the sovereignty of Ferdinand; the Republicans, who insisted upon a federal republic; and the partisans of Iturbide, who adhered to all his plan excepting that they desired to place their leader on the throne and sever all ties with Europe.

The Bourbon party fell with the rejection of the treaty proposed by O'Donoju, the newly appointed viceroy, and on the night of May 18, 1822, a number of Iturbide's partisans proclaimed him emperor, with the title of Augustin I. The cortes and the provinces approved the proclamation, and the soldier ascended the throne.

Iturbide's reign was brief and frenzied. His own plan did not meet with his approval, giving him too little power, and in October following he dissolved the cortes and created a junta of forty-five former members of that body who would act in accordance with his plans. Treachery soon surrounded him. In many quarters the military revolted. On February 1, 1823, a convention known as the Act of Casa-Mata was signed, by which the re-establishment of the National Representative Assembly was pledged. The country was soon in arms, and on March 8, 1823, Augustin I. twice offered to abdicate, but the offer was refused on the ground that its acceptance would sanction the legality of his right to the crown. But the congress permitted him to leave the country, providing a vessel to convey him and his family to Italy, and voting for him an income of twenty-five thousand dollars per year.

In July, 1824, Iturbide returned to Mexico in disguise, was arrested, condemned to death and shot on the nineteenth of that month.

On October 4, 1824, the Mexican congress adopted a federal constitution modeled partly after the Constitution of the United States. The national religion was declared to be, forever, that of the Roman Catholic, and the exercise of all other religious beliefs was forever prohibited.



Early in 1825 Guadalupe Victoria, a staunch patriot, was declared president, and Nicholas Bravo vice-president. But internal strife continued from the beginning, the party leaders seeking the concealment of Masonic institutions in order to further their antagonistic schemes with as little hindrance as possible. Santa Ana led the revolt against the party dominated by the Spaniards, and through his labors Guerrero, who had been defeated for the office of president at the election of 1828, was declared by the congress to be the duly elected president. The government thereupon resumed operations under the federal system in 1824. On September 15, 1829, Guerrero issued a proclamation abolishing slavery, though a masked Indian slavery, or peonage, was continued. African slavery was prohibited by positive enactments, as well as by the constitution.

From 1829 to 1842 one conspiracy after another rent the new republic. Guerrero was betrayed and shot, and Santa Ana, by intrigues and victories, became a popular hero. By the Plan of Toluca, promulgated in 1836, the federal constitution was absolutely abolished and the principles of a consolidated central government announced. Santa Ana fell in with the plan, by which it was hoped to withdraw the state governments. In 1839 General Canales fomented a revolt in the Rio Grande provinces, hoping to secure their co-operation with Texas against the Centralists. The alliance was effected, but the attempt failed. In the winter of 1841-2 the Plan of Tacubaya was agreed upon as a substitute for the constitution of 1836. It provided that a congress should be convened in June, 1842, to form a new constitution, and invested Santa Ana with dictatorial powers in the interim. Knowing that he could rely upon his troops, he dissolved the congress in December, and soon afterward appointed a junta which, on June 13, 1843, proclaimed an instrument called "Bases of the Political Organization of the Mexican Republic," which provided for a central form of government, with Santa Ana president, or dictator.

Early in 1844 Santa Ana announced a project for the re-conquest of Texas. Before he could put his plan into execution, several provinces revolted. He violated his own constitutional compact by taking the field as commander of the military forces, was captured and was about to be tried for treason when a general amnesty for political factionists was declared, and on May 29, 1845, he was permitted to depart for Havana. Herrera, president of the council of government, succeeded him as provisional president.

Prior to the adoption of the central system in the Mexican republic, New Mexico was under a territorial government. The executive was called the *Gefe politico*, or political chief, and the legislative body was known as the "provincial deputation." When New Mexico became a department the functions of the executive and legislative departments remained practically the same, though the names were changed. The governor was appointed by the president of the republic for a term of eight years. The legislative power was nominally invested in a departmental junta, or state council, with exceedingly limited powers. Soon after Don Manuel Armijo became governor, he "prorogued" the legislative assembly, multiplying all its powers, and from that time to the American occupation he arbitrarily exercised all the powers of government—executive, legislative and judicial.

## REVOLT OF 1837.

In 1837, when New Mexico was made a department instead of a territory, Don Albino Perez was appointed governor. The administration of Perez met with strong popular opposition because of the taxes required for the support of the new government—not opposition to or dissatisfaction with the governor personally, but with the system of which he was the head. A system of direct taxation was something the people were entirely unacquainted with. "They would sooner have paid a *doblon* through a *tariff* than a *real* in this way."

The feeling was particularly strong in the northern part of the territory, and culminated August 1, when a large number of people, Mexicans and Indians, gathered at Santa Cruz. Two days later they issued a revolutionary manifesto declaring against the department plan, against any taxation and promising to "defend our country until we shed every drop of our blood to obtain the victory we have in view."

When Governor Perez learned of the open rebellion and the preparations of a military character being made at Camp Santa Cruz, he endeavored to increase the number of his own troops, but his call for volunteers remained almost unheeded. Nevertheless, he started from the capital with the small force he had mustered, and met the rebels near the pueblo of San Ildefonso. It is believed that the small force which left Santa Fé would have been adequate to crush the rebellion in its incipency, had it remained loyal to the governor; but popular sympathy seemed to be with the revolutionary movement. No sooner had the little force reached San Ildefonso than nearly the entire command abandoned the governor and went over to the rebels. As soon as Perez beheld the treachery of his men he started to return to Santa Fé, accompanied by a few men who remained loyal to him. Among these men were his personal friends, Miguel Sena, Sergeant Sais and Loreto Romero, who were killed in their flight by the rebels near Pojuaque.

Governor Perez had not been in the capital long before he realized that his person was as insecure there as in localities further north. He therefore made preparations for flight, and left Santa Fé by night with the intention of reaching some southern point remote from the storm center. Near Agua Fria he was attacked by a body of Indians from the pueblo of Santo Domingo. He had sought refuge in the house of Salvador Martinez, near that place, but was tracked by the natives, taken from his place of concealment on August 9, killed, and beheaded, and his head taken to the rebel headquarters near the chapel of the Rosario, north of Santa Fé.\* During the same day Santiago Abreu, formerly governor *ad interim*, and Jesus Maria Alarid, secretary of the department, were killed at the mesa a short distance south of Agua Fria. Ramon and Mar-

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\*Demetrio Perez, now living in Las Vegas, New Mexico, was born in Santa Fé December 22, 1836. Albino Perez, his father, a colonel in the Mexican army, came to New Mexico from the City of Mexico in 1835, as governor of this territory, and was killed here, August 10, 1837, in the revolution of that year. Soon after his arrival in New Mexico he married Miss Trinidad Trujillo, a native of Santa Fé, of Spanish descent, whose grandfather, Bartolomo Fernandez, had come to New Mexico in

celino Abreu, brothers, and Lieutenant Madrigal, of the loyal army, were killed at Palacios, between Agua Fria and Santo Domingo. On the same day, August 9, the rebels entered Santa Fé and proclaimed Jose Gonzales of Taos governor of the Territory.

During this period Manuel Armijo, afterward governor, hoping to benefit by the unsettled condition of affairs, organized a counter-revolution in the southern and central counties, and after having accumulated a force of several hundred men by promises of reward of various kinds, marched toward Santa Fé. Upon arriving at the capital he found that Gonzales had gone to his home in Taos to superintend the harvesting of his crops; leaving the capital with slight means of defense. Armijo's occupation of Santa Fé, like his ignominious flight nine years later, was bloodless. Not a gun was fired, and no show of resistance was made. The rebels had

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the early part of the eighteenth century, as a captain in the Spanish army. As a reward for his services on the frontier, Captain Fernandez received a grant of two thousand five hundred acres of land.

Demetrio Perez was an only child, and was nine months old at the time his father was killed. He and his mother were concealed by friends in a private house until the revolt had subsided. He was educated in Santa Fé in the first school established by Bishop Lamy. When a young man he served seven years as clerk in the office of the territorial secretary of New Mexico, where he acquired both a business training and a thorough knowledge of the affairs of the territory. In 1861 he was appointed by Governor Connelly to audit public accounts, and filled the place two years, until 1863, when he resigned to accept a position in the wholesale mercantile house of W. H. Chick & Company, of Kansas City. Here his knowledge of New Mexico served him well. A year later he returned to Santa Fé as mercantile agent of Ambrosio Armijo. In 1866 he moved to Las Vegas, and became bookkeeper in the office of Trinidad, Romero & Brothers' mercantile establishment. This position he filled for several years. Next we find him at Kit Carson, Colorado, in the employ of Chick, Brown & Company, where he remained five years. In 1887 he began merchandising on his own account, at San Antonio, in Socorro county, New Mexico, which he continued successfully until 1900, when, on account of some trouble with his eyes, he disposed of his business and has since lived in Las Vegas, practically retired.

Nearly all his life Mr. Perez has been more or less identified with public affairs. For five years, from 1866 to 1871, he was clerk and recorder of San Miguel county; 1881 to 1882, was a member of the board of county commissioners; 1883 to 1884, was deputy collector of San Miguel county; 1884 to 1885, was county clerk and recorder; in 1889 was a member of the constitutional convention; in 1891, was appointed auditor of public accounts by Governor Prince, and served until 1895, at the same time being ex-officio superintendent of insurance. Also for a time just after the close of the Civil war, he was United States deputy marshal and United States deputy collector of internal revenues.

January 16, 1861, Mr. Perez married Miss Dolores Newman, daughter of Lafayette Newman, one of the early pioneers of New Mexico. They have two daughters, Sallie A. and Philomena, the former being the wife of E. Montaya.

not taken into account the possibility of a new foe, and knowing that the leaders of the government party had been practically exterminated, they believed themselves to be secure in their possession of the reins of government.

Soon after his occupation of the capital, Armijo wrote to the authorities in Mexico a vainglorious and boasting letter, in which he stated what he had done in support of the government, magnifying his "victory" out of all proportions, and requesting troops to enable him to complete the work of restitution inaugurated and re-establish a peaceful condition of affairs. His request was complied with, a detachment of troops being sent to him from Zacatecas and Chihuahua. In the meantime, Gonzales, the rebel governor, had been mustering a force for the purpose of recapturing Santa Fé. In January, 1838, Armijo marched his little army to Santa Cruz to meet the rebels, and there an engagement occurred, in which the rebels were routed with the loss of a dozen men. It would appear that the great majority of the insurgent force was recruited from the Indians, for, wherever a reference is made to any actual fighting, it is found to have been done by them. Gonzales fled precipitately after the fight, but was captured at Santa Cruz, where he and Antonio Lopez, another rebel chief, were hanged in the plaza, in front of the church, by Armijo's order. Among others who were found to have been primarily responsible for the rebellion were Juan Jose Esquivel, alcalde of Santa Cruz; Juan Vigil, Antonio and Desiderio Montoya, brothers, and Antonio Vigil. The Montoya brothers were shot in the guard house at Santa Fé, and Antonio Vigil was hanged on the road between Santa Fé and Santa Cruz. This was the closing act in the rebellion of 1837-8.

## TEXAS SANTA FE EXPEDITION AND AMERICAN AGGRESSION

Armijo succeeded in so impressing the Mexican authorities with his loyalty, his military capacity, his popularity and his executive ability that he was allowed to remain as governor of the Territory. Hardly had relatively peaceful conditions been restored than he manifested considerable uneasiness on account of the incursions of Americans into the Territory. In 1841 his fears of an organized expedition were realized.

Early in the spring of that year a company composed principally of inhabitants of Texas, under the sanction of General Mirabeau B. Lamar, the president of the Republic of Texas, prepared to set out for Santa Fé for the purpose of opening trade with that city by a northwesterly route known to be much shorter than that of the old Santa Fé trail from Missouri. To divert this trade was unquestionably the primary and ostensible object. But the ulterior intention was to bring under the protection of the Texas government so much of the province of New Mexico as lay upon the east side of the Rio Grande. The adventurers were led to conceive this project by a belief that nine-tenths of the inhabitants of the province were discontented under the Mexican yoke and anxious to come under the protection of the Lone Star flag. They were assured that the people of New Mexico would hail the coming of such an expedition with gladness and immediately declare allegiance to the Texan government.

With apparent proofs of the existence of such a sentiment, the Texans seemed to feel it their duty to offer the New Mexicans an opportunity to shake off the intolerable burden of Mexican misrule. Furthermore, Texas claimed the Rio Grande as her western boundary; but so isolated were Santa Fé and other centers of population east of that river that the newly created republic had never been able to exercise jurisdiction over the people of the west.

The expedition was to leave Austin, the capital of Texas, about June 1, 1841. The route planned was to follow the San Saba road from San Antonio to Santa Fé; but as fears that scarcity of water might mark this route prevailed, the course was subsequently changed.

The last of the expedition left Austin June 21, under command of General Hugh McLeod. Others in the company were Colonel William G. Cooke, Major George T. Howard, Captain Caldwell, Captain Sutton, Captain W. P. Lewis, Lieutenants Lubbock, Munson, Brown and Seavy, Dr. Brashear, the surgeon, Dr. Richard F. Brenham, Jose Antonio Navarro, George Wilkins Kendall, editor of the New Orleans *Picayune*, Frank Combs, Mr. Hunt, George P. Van Ness, Mr. Fitzgerald and others well known in Texas. The commissioners were Cooke, Navarro and Brenham. After proceeding in a general northwesterly direction until reaching a spot on the Llano Estacado (Staked Plains) west of Palo Duro, the expedition divided, one division proceeding in a northerly direction and the other bearing off to the northwest. The latter party, arriving at what is now the

southern part of Union County, N. M., headed for the town of San Miguel. On the way several members of the party died and hardships innumerable were encountered, including fights with marauding bands of Plains Indians. When near San Miguel on September 14, a detachment was sent forward with letters to the alcalde, notifying the latter of the approach of a party in every way pacific, which desired to purchase provisions. Proclamations were also distributed among the citizens, notifying them that the expedition was sent out for purpose of trade, and that if the inhabitants of New Mexico were not disposed to join, peacefully, the Texas standard, the visitors were to retire immediately. Soon afterward, while near Anton Chico, they came upon a native who informed them that their approach was known to the inhabitants and that great excitement existed in the town in consequence of General Armijos informing the populace that the intention of the visitors was to burn and kill as they proceeded. He also stated that four of the reconnoitering party had been taken prisoners at Santa Fé. Not long afterward the little detachment of five or six which had been left was surrounded by a hundred or more Mexicans armed with lances, swords, bows and arrows, and old-fashioned carbines, under the leadership of Dimasio Salazar, who addressed them as *amigos*, or friends. After surrounding them on all sides, Salazar informed the party that it was contrary to law for foreigners to enter the province with arms, and requesting that all weapons be given into his safekeeping. The request was acceded to, and the little band soon found itself helpless and surrounded. Suddenly the friendly attitude of the captors changed and they found themselves facing the carbines of a dozen of the Mexicans; and had it not been for the friendly interference of one of the Mexicans, Don Gregorio Vigil, who maintained that the party had a right to see the governor before their cases were acted upon, all undoubtedly would have been shot down. As it was, they were taken to San Miguel and placed in prison, and the next day marched out ten leagues to meet Governor Armijo, who greeted them as had Salazar—as friends, and informed them that he was an honorable man and not an assassin, and, moreover, a great warrior. But before he left them Armijo ordered their custodian to take them back to San Miguel that night as he wished to hold further conversation with them in the morning.

"But they have already walked ten leagues today, your excellency, and are hardly able to walk all the way back to-night," was the answer of the officer, who was called by the name of Don Jesus.

"They are able to walk ten leagues more," retorted Armijo, with a stately wave of his hand. "The Texans are active and untiring people—I know them," he continued, "if one of them *pretends* to be sick or tired on the road, *shoot him down and bring me his ears!* Go!"

"Yes, your excellency," was the obsequious answer of the cringing Don Jesus, and with a flourish of trumpets Armijo and his motley army departed.

The day following found the Plaza of San Miguel filled with armed men, a few regular troops being stationed immediately about the person of Armijo, while more than nine-tenths of the so-called soldiers were miserably deficient in every military appointment. One of the Texans, Samuel Howland, attempting to escape, was captured and shot in the back by a squad of soldiers. Howland was well known in New Mexico, having lived in Santa Fé several years before. The governor offered him his life and

liberty if he would betray his companions who had not yet been captured, but he rejected the offer with scorn.

"The plans of the very valiant and most puissant Armijo were laid with consummate skill so far as his own personal safety and that of his property were concerned," wrote Kendall. "He had now surrounded Colonel Cooke with at least a thousand of his men, while there were but ninety-four Texans in all. In case the latter defeated the Mexicans—and Armijo troubled and feared lest they should—his plan was to retreat to his residence in Albuquerque as fast as picked horses would carry him, and then, after gathering all his money and valuables, make his escape into the interior of Mexico. With these intentions he remained behind at San Miguel, and there anxiously awaited the news from the little frontier town of Anton Chico."

Couriers constantly departed to and arrived from Anton Chico. At one time it was reported that a great battle was raging; again, that the contending parties had come to terms. At sundown a courier came riding into the Plaza with the news that all the Texans had surrendered, unconditionally. Shouts of "Long live the Mexican republic!" "Long live the brave General Armijo!" "Long live the laws!" and "Death to the Texans!" were heard on every side, accompanied by discharges of musketry, the ringing of bells and the blowing of trumpets. A Te Deum was sung in the church, and the guardian saint of the place, San Miguel, was dragged from his resting place to take part in the festivities. All because some fifteen hundred to two thousand men had captured ninety-four half-starved Texans.

It was on the afternoon of September 17 that Colonel Cooke and his men surrendered at Anton Chico, having been betrayed by Captain William P. Lewis, a member of the expedition. Three days later they started on their long march toward the City of Mexico, the place of their captivity. Lewis, who had made their capture easy by his treachery, was rewarded by Armijo by "safe conduct" through the province. The detachment of San Miguel were still retained in prison there. About three weeks later tremendous excitement was created in San Miguel by a report that the dreaded Texans were advancing in countless numbers. October 12 the remainder of the Texan prisoners, who had been captured near Laguna, Colorado, on the 9th, more than one hundred and fifty in number, were marched into the plaza of San Miguel, and it soon became generally understood that all the captives were to be sent to the City of Mexico. Armijo soon afterward released four of the prisoners, but the rest were soon compelled to begin their tiresome march to the capital. They started October 17, passing through the old ruin of Pecos—in former times a mission and fortress, but then crumbling into decay,—through Glorieta Pass, Santo Domingo, San Felipe, Algodones, Sandia, Alameda, and Albuquerque, where a stop of a few days was made. Thence they proceeded down the Rio Grande, passing through the villages then known as Valencia, Tome, Casa Colorado, La Hoya, Pajida, Socorro, Fray Cristobal, the Jornada del Muerto, El Paso and thence through Mexico to the capital, arriving in the city in several divisions in the spring of 1842. In April part of the prisoners were released, at the intercession of foreign ministers, on the plea that they were not Texans and had joined the expedition without being aware of any ulterior motive on the part of its

promoters. The remainder, after being confined a few weeks in various Mexican prisons, some of them being compelled to work upon the public highways in chains, were released by order of General Santa Ana, June 13, 1842. The only exception was Navarro, a Mexican by birth and a member of a distinguished family, who was condemned to death. He escaped from prison, however, and ultimately returned to Texas.

When the news of the Texas expedition reached New Mexico, Armijo decided to send an appeal to the people of New Mexico warning them against the treachery of the Americans and attempting to persuade them that no just ground of complaint against their benign and wise governor could be found. This document, which was proclaimed from the house-tops, literally, throughout the northern towns of the Territory, read as follows:

"The Governor and Commandant of New Mexico to its inhabitants:

"New Mexicans—The well-known benignity which, in all times and circumstances, has characterized its Mexican government, and which he who has the honor to address you as Governor and Commandant General of this department, has taken for the rule of his conduct, makes me firmly believe that, if some of you, giving credence to false promises, have engaged themselves to support those who govern in Texas, in any attempt against Mexico, they will remember what they owe to their government, no matter in what form it may have been taken. By so doing they will assert anew their patriotism and fealty to the paternal government of the Republic, in the name of which, and under my word of honor, I promise to pardon them and to reinstate them in the full enjoyment of all their rights as citizens and heirs to the patrimony left to them by their ancestors.

"No, my dear countrymen, there is no reason for us to fear, and less to believe that any of us, at the risk of losing our religion, our native land and property, would hesitate even for an instant to surround our national flag and fight for it, no matter at what cost, rather than to take part with those ambitious traitors, the Texans and their supporters.

"Your Countryman and Chief,

"MANUEL ARMIJO.

"New Mexico, September 13, 1841."

This appeal does not appear to have awakened the patriotic enthusiasm of the indifferent natives to any great degree, for the American traders and proprietors continued to pour into the Territory, and at a rate that actually increased after the promulgation of this appeal.

Historians are now agreed that the first Texan Santa Fé expedition was not, as Kendall appears to have believed, simply for the purpose of developing closer trade relations between Texas and Santa Fé by the division of some of the trade between the New Mexican capital and Missouri river points, but that the military character of the expedition and the well-known desires of the Texans were sufficient warrant for the belief that they could make good their claim to the territory lying east of the Rio Grande. Not daunted by the disasters which overtook the original party, a second expedition was planned a year later, though the actual descent upon the coveted country did not take place until 1843.

As early as November, 1843, reports reached Santa Fé that a party of Texans were upon the prairies on the eastern frontier, prepared to attack any Mexican traders who should attempt to cross the plains the succeeding spring. Little credence was placed in the story by the American residents and traders, as rumors of this kind were common. So little did intelligent men believe the rumor that in February, 1843, Don Antonio



Jose Chavez, a wealthy resident of the Territory, departed from Santa Fé for Independence, taking with him but five servants, two wagons and about fifty mules. He carried about ten thousand dollars in specie and gold bullion, besides a small quantity of furs. About April 10 he had reached a point near the Little Arkansas, fully a hundred miles within the borders of the United States, where he was met by fifteen men from the border of Missouri, who claimed to be Texas troops under the command of John McDaniel. This party doubtless started with the intention of joining one Colonel Warfield, also said to hold a commission from the Texan government, who for several months had lurked upon the plains near the mountains, with a small party, in the hope of attacking the Mexican traders.

When Chavez appeared McDaniel abandoned his original intention of joining Warfield and determined to secure the booty himself rather than to await a later party in partnership with Warfield. Chavez was captured, taken a few miles south of the trail and his valuables taken from him. Seven of the party then departed for the settlements with their share of the booty, amounting to about five hundred dollars apiece. The remaining eight determined to kill the man who had been robbed, which was done; and further search revealed a quantity of gold in his trunk. Chavez's body, with his wagon and baggage, was thrown into a ravine, and the murderers departed for Missouri.

Though every possible preparation had been made by the United States troops to intercept this party at the outset, they escaped. Ten of them were afterward apprehended, tried before the United States Court at St. Louis, and convicted; some for murder, the remainder for larceny.

Early in May of 1843 Colonel Snively, at the head of about one hundred and seventy-five men who had organized in the northern part of Texas, set out with the avowed intention of attacking Santa Fé. The smallness of their force evidently appeared to them after leaving their rendezvous, and they changed the course of their march, planning to lay in wait for Mexican traders crossing the plains. Upon arriving at the Arkansas they were joined by Warfield and his men, who a short time before had sacked the little Mexican town of Mora, but had been overtaken by the outraged inhabitants, their horses stampeded, and they compelled to proceed afoot as far as Bent's Fort, where part of the men left the company. Soon after Warfield's arrival the Texans advanced along the Santa Fé trail, when he discovered that a party of Mexicans had passed towards the river. Pursuing them, they attacked, killed eighteen Mexicans and wounded as many more, five of whom afterward died. Two who escaped carried the news to General Armijo, who had a large force at Cold Spring, one hundred and forty miles beyond. No sooner was the news of the disaster broken to him than he turned and fled with his entire army to Santa Fé, abandoning a large amount of equipment in his haste to find a safe retreat. This cowardly action on his part produced a bad effect upon many of his followers. The small force killed or captured by the Texans was composed principally of inhabitants of the Taos valley, many of them Taos pueblo Indians. They had not only hated and despised Armijo since the rebellion of 1837, but it was notorious that they sympathized with Texas. So loth were they to fight the Texans that Armijo found it necessary to bind some of them upon their horses until they reached the open

prairies, where escape would not be so easy. It seems probable that had the Texans attempted to persuade the Mexicans to surrender without battle, which might have been accomplished, they might have secured their services in leading them to Armijo's camp, with the result that the power of that unmitigated tyrant might have been broken forever. Captain Cook, commanding two hundred United States dragoons, afterward came upon Snively and his men and disarmed them, though not entirely, as some of the men had hid their weapons and gave up only the antiquated guns they had taken from the Mexicans.

This was the end of the second Texan Santa Fé expedition, as it has been called, though it was nothing more than an unauthorized piece of prairie piracy. Though the participants were wholly Texans, and the expedition was organized on Texan soil, and further, though the American government took every possible precaution to protect the Mexican caravans while crossing American soil, the Mexican authorities made a formal demand upon the United States for damages. The most unfortunate outcome of this expedition was the abrupt ending of trade relations between the United States and New Mexico, by decree of General Santa Ana, the dictator of Mexico. The interruption was only brief, for the ban was lifted on March 31, 1844, and the overland traffic continued with no decrease in volume until the American invasion.

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General Manuel Armijo, the last of the Mexican governors of New Mexico, was born in Albuquerque. His early career was one of dissipation and vice. It was a notorious fact that while yet a youth he obtained possession of a large number of sheep, without funds for their purchase. Among his intimate friends he frequently boasted that he had sold to Francisco Chavez, the wealthiest sheep owner in New Mexico, the same ewe, fourteen different times, and that he had stolen her from him even in the first instance. By such means, and by having what is termed a good run of luck at dealing *monte*, he amassed a considerable fortune. As his ambition now led him to learn to read and write Spanish, the foundation of his future influence and greatness among his timid and ignorant countrymen was substantially laid.

Prior to 1830, by appointment under the old territorial laws, he had been clothed with the executive authority in New Mexico, and his brief administration was signalized by acts of cruelty and reckless injustice. In 1837 he was appointed *administrador de rentas*, or principal custom-house officer, at Santa Fé; but in consequence of flagrant malfeasance in office he was soon removed from that office by Don Albino Perez, then governor.

"The effects of the central form of government were now just beginning to be felt in this isolated department of Mexico," writes George Wilkins Kendall in his "Narrative of the Texan Santa Fé Expedition," "and the people were beginning to manifest no inconsiderable discontent at the new order of things. Armijo, perceiving that there was now a chance, not only to signalize himself, but to reap a rich harvest of revenge against his enemies then in power, took advantage of this feeling by secretly fomenting a conspiracy. An insurrection was soon in agitation, and early in August, 1837, a heterogeneous force, numbering more than one thousand men, among whom were a large number of pueblos, or town Indians, assembled

at La Cañada, a village about twenty-five miles north of the capital. Governor Perez conducted a small force against the insurgents; but a majority of his men went over at the outset, leaving him with only twenty-five or thirty personal friends to contend with odds the most fearful. A slight skirmish told the story: one of his men was killed, two were wounded, while the rest fled precipitately toward Santa Fé. \* \* \*

"Shrewdly conjecturing, now that he had raised a whirlwind, that he might easily direct the storm to his own personal advancement, Armijo, after the manner of his great prototype, Santa Ana, suddenly left his hacienda and made his appearance at Santa Fé. There he found everything in a state of frightful anarchy—the place in the hands of an ignorant mob, and the American and other foreign merchants in hourly expectation that their houses and stores should be sacked, and even their lives taken. The rabble dispersed, however, committing no other outrage than electing one of their own leaders, Jose Gonzales, governor of New Mexico. They paid no attention to the claim set up by Armijo, the fomentor, as he had exposed himself in no way to the anticipated hard blows and knocks which had given them the ascendancy.

"Foiled in his ambition, Armijo once more retired to his hacienda, a fine estate he had purchased at Albuquerque. But an active and ambitious mind like his could not long remain inert. Through secret intrigues he managed, after a lapse of three or four months, to organize a counter-revolution, and collecting a numerous force, he declared in favor of federation and marched towards Santa Fé. He took quiet possession of this place, as Governor Gonzales, finding himself without an army, had fled to the north. The latter was soon enabled, however, to rally around him no inconsiderable mob; but Armijo, in the meantime, had received heavy reinforcements from the south, and succeeded in routing Gonzales without loss. The unfortunate governor was immediately shot, and four of his chief officers met with the same fate by order of Armijo. The latter were put out of the way more, it is said, to prevent disclosures than for any crime they had committed; for they had been Armijo's confidential emissaries in the formation of his original plot.

"The ambitious tyrant, now that his enemies were either murdered or dispersed, reigned supreme in New Mexico. One of his first steps was to bribe the army to proclaim him governor and commander-in-chief; his next, to send off a highly colored account of his own exploits in favor of federalism to the City of Mexico, and no officer can more adroitly adopt the high-sounding fanfaronade style in wording a dispatch or an address than Manuel Armijo. \* \* \* A return of post from Mexico brought documents confirming him in his station of governor, with the additional title of Colonel of Cavalry.

"In the early part of 1839, without a shadow of law or authority, he deposed all the custom-house officers and appointed his own brother and his other creatures in their stead, in order that he might have the exclusive control and management of the customs in his own hands. He next, without regard to the federal tariff, established an arbitrary duty upon all merchandise entering from the United States—\$500 upon each wagon-load, without reference to the quality of the goods it might contain, or their value.

"Foreigners are the especial object of his hatred; and acts and decis-

ions affecting the well being of his whole province are as often founded upon a feeling of hatred towards a small class, or, perhaps, some luckless individual who has excited his jealousy or fallen under the ban of his most unaccountable caprice, as upon a sentiment of justice and necessity. \* \* \* Still there is not that overt demonstration of malice towards foreigners that he daily makes towards his own cringing and servile countrymen. Not unfrequently do his own lusty sinews find congenial employment, in the open streets of Santa Fé, in wielding the cane and cudgel about the ears of his native subjects, and never has one been found bold enough to strike back.

"Out of a multiplicity I will record two anecdotes, in order to illustrate his system of righting wrongs. The first came near resulting in a serious quarrel between the American residents and the governor, and the difficulty was only avoided by the latter abandoning his objectionable ground. An American, named Daley, was wantonly murdered at the gold mines near Santa Fé, by two ruffians engaged in robbing a store which he was keeping at that place. The murderers, through the energy of foreigners, were soon apprehended, and fully convicted of the crime; but as they were Mexicans, and had only shed the blood of a heretic, were permitted to go unwhipped of justice. In July, 1839, these murderers were again arrested through the interposition of the Americans, and a second time brought to Santa Fé for trial. The friends of the murdered man now drew up a petition to the governor, in the most decorous language, praying him to mete out full justice to the assassins. Armijo, though he knew full well the justice of their prayer, affected to believe it a threat against his authority and government—a conspiracy.

"Upon this pretense he immediately collected all the militia he could raise and made preparations for one of his bravado demonstrations. The Americans, convinced that no justice could be expected from a tyrant so unprincipled, and fully understanding the 'fluffy game' he had resorted to, at once, with characteristic spirit, prepared to defend themselves. Their firmness and cool determination frightened the cowardly governor and induced him to send them an apologetical communication, in which he protested that he had entirely misconstrued the petition, and that their just request should have due attention.

"In the year 1840, I think on the first day of January, two most respectable foreigners had the misfortune to kill a Mexican lad by the accidental discharge of one of their guns. They were returning to Santa Fé from the gold mines when the unfortunate accident occurred, and brought the body of the boy into town and at once reported the circumstance to the authorities. The principal alcalde consulted with Armijo as to the steps he should take, and the decision was, without form of trial, that the unfortunate foreigners should be put into prison and held responsible for murder, unless they could *prove themselves innocent*. \* \* \*

"In his rude *palacio* at Santa Fé he is more the despot than anywhere else, maintaining himself proudly, and enforcing all the regal homage and courtly ceremonial exacted by the veriest tyrant. A guard, musket on shoulder, marches before the entrance to his door, denying entrance to all unless they have first obtained the royal permission. Should his excellency feel in the humor of walking out, the cry from the *centinela* is, 'The governor and commander-in-chief appears!' and this is echoed and re-echoed from every guard in and about the barracks. When his majesty is in the

street, each dutiful subject takes off whatever apology for a hat he may have on his head. Should the governor's wife issue from the building, the form is even more ridiculous, for then the cry of '*La gobernadora*,' or '*La Comandante generala*,' resounds on every side.

"It is strange how this man has been able to maintain his despotic and arbitrary sway among a people acknowledging no law but that of force. The inhabitants are far more dissatisfied with his administration than they were with that of Perez and his cabinet of Abreus; yet so far they have dared to do no more than plan revolutions against their oppressor. He continues to hold sway in a country where he has not a real friend upon whom he can depend; even his sycophantic favorites would prove his bitter enemies were he once in adversity.

"I might diversify this hasty biography of Don Manuel Armijo," concludes Kendall, "with stories of his atrocious acts that would bring a blush upon the brow of tyranny. I might detail many horrible murders which he has committed. I could relate many a thrilling story of his abuse of the rights of women. \* \* \* I might speak of his conniving with the Apache Indians, in their robberies of his neighbors in the State of Chihuahua, by furnishing this hardy mountain tribe with powder and balls and guns, knowing that with them they would fall, like the eagle, from their fastnesses, upon his own countrymen. I could give a catalogue of men's names whom he has banished from their own families and homes, for no reason but because they were in his way. Assassinations, robberies, violent debauchery, extortions, and innumerable acts of broken faith are the themes upon which I am armed with abundant and most veritable detail. \* \* \*

"The mien and deportment of Armijo are not ill calculated to strike a timorous people with awe; for, as I have before remarked, he is a large, portly man, of stern countenance and blustering manner. Not one jot or tittle of personal bravery does he possess. In all the revolutions that have taken place since first he courted power, his own person has never been exposed, if we except one instance. In a skirmish with some Indians he received a wound in the leg, from which he still limps; but the action was not of his own seeking, and his conduct on this occasion was that of a man engaged in a business anything but to his liking. He has made great capital, however, of his crippled leg, and, like his great exemplar, Santa Ana, is determined that his subjects shall never forget that he received it while encountering their enemy. But the master stroke of this great man was the capturing of the Texan Santa Fé expedition. These small squads of tattered soldiers, taken piecemeal, in his grandiloquent bulletin he multiplied into a legion of Buckramites—for which act of most heroic daring he was, all in good time, knighted by Santa Ana. He knows his people thoroughly, having studied their character with a most acute discernment. A common remark of his is, '*Vale mas estar tornado por valiente que serlo*,' it is better to be thought brave than really to be so."

Francisco Xavier Chavez, the last governor of the province of New Mexico under the Spanish regime, was the most distinguished man of that name in the history of the Territory. He was a native of Spain and received his commission as governor of the province some six or seven years after coming to America. He made his home in Los Padillas, Bernalillo county, and engaged in sheep raising. At one time he owned

about three hundred thousand head of sheep. He founded the little town of Los Padillas, built his own church, and for many years lived like a monarch, holding large numbers of the native inhabitants under a state of peonage. He lived to the age of ninety. He reared a family of four sons and seven daughters, among whom was divided his vast wealth. He gave all his children liberal educations, and several of his descendants became prominent in public affairs in New Mexico. His sons were: Mariano, and Jose, both of whom were governors under the Mexican regime; Antonio Jose, who met his death on the prairie at the hands of a Missourian bound for New Mexico; and Tomas, a lawyer, who died in Durango, Mexico. The latter was the last surviving son. The daughters were: Barbara; who married Juan Gutierrez, of Pajarito; Manuela Antonia, who married Jose Maria Gutierrez, of Bernalillo; Josefa, who married Juan Perea, of Bernalillo; Juana, who married Juan Christobal Armijo, of Albuquerque; Mercedes, who married Juan Otero, of Peralta; Francisca, who married Antonio Jose Otero, who was appointed district judge in 1849; and Dolores, who married Jose Leandro Perea, of Bernalillo. Among the well-known descendants of Governor Chavez were Colonel J. Francisco Chavez, Pedro Perea, deceased, Nestor Armijo, Justo Armijo and Nicolas T. Armijo, deceased.

## THE AMERICAN CONQUEST OF NEW MEXICO.

A resume of the situation in New Mexico just prior to the Mexican war reveals, on the one hand, a surprising passivity in political and economic affairs in that federal department which, as already stated, had advanced little during the first third of the nineteenth century; on the other hand, however, the development and expansion of the American republic had progressed with such amazing rapidity in the same period that its interests were already intertwined with those of the formerly isolated Spanish territory, and the hand of its commercial and territorial dominion was reached out to seize the fertile valley of the Rio Grande.

New Mexico remained almost a passive spectator of the dramatic events of the forties. This is not surprising to the reader of the preceding pages. The natural isolation of the territory had acted from the first to weaken the control of the central government in this distant region. From the rebellion of 1680 to the Taos revolution of 1837 no serious outbreak of the Indians had occurred. Hence the regular military establishment was small, and the volunteer militia of Indians, half-breeds and Mexicans, was relied upon for defense as occasion arose. Virtually, therefore, the people of New Mexico had little dependence on the central government, and in their quiet, sluggish and unprogressive existence were almost indifferent to the ties of allegiance.

So far as the course of events had disposed them at all to look outside their own Territory, their attention was turned to America rather than to their proper loyalty. The traffic opened by the Santa Fé trail, though enormously profitable to those engaged in it, was none the less advantageous to the New Mexicans, and it was natural that they should desire the continuance of the friendly trade relations with the Americans which had obtained for more than twenty years.

The changes inaugurated by the group of centralists under Santa Ana, especially in methods of taxation, which had incited the revolt of 1837, and the tyrannous conduct and general unpopularity of Governor Armijo had inclined the people still further to view with favor any closer relations with the United States. According to Gregg's opinion, the hatred of the pueblo Indians for their old conquerors had never entirely subsided, as was proved by their activity on the side of the insurgents in the revolt of 1837. Some time before this uprising, says Gregg, "it was prophesied among them that a new race was about to appear from the east to redeem them from the Spanish yoke. I heard this spoken of several months before the subject of the insurrection had been seriously agitated. It is probable that the pueblos built their hopes upon the Americans, as they seem as yet to have no knowledge of the Texans."

Thus, while New Mexico was in a state of apathy toward, if it did not look with favor upon, the commercial advances and suggestions of national alliance on the part of the Americans, the latter were very alert

to the advantages and prospects of this new country in the southwest and were quite ready to push the limits of western expansion until the shores of the Pacific were reached.

With this understanding of New Mexico's almost neutral attitude toward the brief period of hostilities between Mexico and the United States which marked the beginning of a new epoch in New Mexico's history, from which, indeed, the real progress of the Territory is dated,—it becomes necessary to state on the grounds of highest historical authority the causes which brought about the armed conflict known to American annals as "the Mexican war."

The war with Mexico was an aftermath of the winning of Texas independence and the annexation of that republic to the United States. The jealousy, tyranny and misgovernment of the Mexican state of Texas by the Mexican authorities; their refusal to permit the American settlers to enjoy those privileges to which, from time immemorial, they had been accustomed in the United States under the common law; and the anarchical confusion and instability of the Mexican general government had brought about the inevitable revolution of Texas against Mexico. The independence of Texas was assured after the battle of San Jacinto, but Santa Ana and his Mexican contemporaries obstinately refused to acknowledge the separation of this large area of territory from the nation. Not only was invasion planned and attempted several times by the Mexican forces to regain possession of Texas, but the popular hostility between the two nations resulted in many minor acts of aggression and insult. So that the temper of Mexico against Texas, and after the latter had been annexed to the Union in 1845, against the United States, was very bitter and quite ready to resent any act that implied aggression.

Two other causes, applying almost equally to the acquisition of Texas and New Mexico, are stated by Mr. Brady in his "Conquest of the Southwest." One "was the desire on the part of the slave-holding states to add new territory to the Union out of which other slave-holding states could be constituted," a cause attributed by historians to all the territorial expansion of the *ante-bellum* period.

The other cause for American encroachment to the Southwest is given in a quotation from Roosevelt's "Life of Thomas H. Benton." "The general feeling in the west upon this last subject afterward crystalized into what became known as the 'Manifest Destiny' idea, which, reduced to its simplest terms, was: that it was our manifest destiny to swallow up the land of all adjoining nations who were too weak to withstand us; a theory that forthwith obtained immense popularity among all statesmen of easy international morality. \* \* \* Recent historians, for instance, always speak as if our grasping after territory in the Southwest was due solely to the desire of the southerners to acquire lands out of which to carve new slave-holding states, and as if it was merely a move in the interests of the slave power. This is true enough so far as the motives of Calhoun, Tyler and other public leaders of the Gulf and southern seaboard states were concerned. But the hearty western support given to the government was due to entirely different causes, the chief among them being the fact that the westerners honestly believed themselves to be created the heirs of the earth, or at least of so much of it as was known by the name of North America, and were prepared to struggle stoutly for the immediate possession of this heritage."



With these causes as the deep motive forces impelling the nation to expansion and conquest over the southwest, the impetus to war was furnished by a more immediate cause or pretext (according to the interpretation of historians). Texas, having won independence in 1836, at once expanded to the farthest possible or desirable limits, her representatives claiming that the course of the Rio Grande from mouth to source marked the boundary on the west. So far as Mexico allowed herself to discuss boundary questions with a portion of territory which she had not yet acknowledged independent, it was contended that the river Nueces was the utmost limit of extension of Lone Star authority to the west.

Beginning with the overthrow of the dictator, Santa Ana, by the revolution of 1845, the Mexican government, under the leadership of President Herrera, was disposed to treat with the Republic of Texas more according to international diplomacy. But it was too late, since the election of James K. Polk as president of the United States had decided the matter of annexation of Texas, and even before his induction into office in March, 1845, the measure had been signed which allowed Texas to enter the Union.

Accordingly, Mexico's hostility to Texas was now directed against the larger nation in which the republic had been absorbed. So aggrieved did Mexico become over the matter of annexation that her minister demanded his passports as soon as the resolution passed and returned to his country. The minister of the United States followed suit, and all diplomatic intercourse was thus broken off. Shortly afterward President Polk appointed Alexander Slidell as minister plenipotentiary to Mexico to discuss and negotiate the subjects under dispute. On his arrival Slidell, it seems, failed to use sufficient tact in dealing with the disquieted Mexicans, and was refused recognition by the government altogether.

The subject of annexation, the disputed boundary line, the rejection of the minister, and the additional failure of Mexico to settle certain claims held by American citizens, all furnished acute aggravation to the war situation between the two countries. By dispatching Gen. Zachary Taylor with three thousand soldiers to take possession of the disputed territory and guard the Rio Grande as the boundary line on the southwest, President Polk gave the provocation to the brief war between Mexico and the United States, but which was so fateful in its consequences to the destiny of New Mexico.

The Mexican forces seeking to dislodge General Taylor from his position opposite Matamoras, there ensued the battle of Palo Alto, the initial engagement of the war. The news of this battle brought from President Polk his famous "War exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself." Congress accepted the declaration that "war exists" and voted money and volunteers to carry the war to a satisfactory conclusion. Fifty thousand volunteers were called for. An Army of the West was directed to be formed under the command of Colonel Stephen W. Kearny, who was stationed at Fort Leavenworth, which was to capture New Mexico and proceed thence to California. An Army of the Center, under Gen. John B. Wool, was ordered to assemble at San Antonio and thence proceed to Coahuila and Chihuahua. General Taylor was directed to proceed against the northern and eastern states of Mexico. The naval forces under Commodores Stockton and Sloat on the Pacific, and Commodore Connor on the Gulf of Mexico were ordered to co-operate

with the land forces and to do all in their power to aid in the subjugation and capture of Mexican property and territory.

The Army of the West, under Colonel (afterward Brigadier-General) Kearny, a hardy frontier fighter, thoroughly familiar with Indian character and Indian warfare, consisted of two divisions. The advance division, led by General Kearny, comprised about 1,700 men, consisting of 300 U. S. dragoons of the regular army, under Major Edwin V. Sumner; a regiment of mounted volunteers raised in Missouri and whose colonel was Alexander W. Doniphan, besides five additional companies of volunteers, including one of infantry and two of light artillery. The second, or reserve division, which on reaching New Mexico really became the "army of occupation," comprised another regiment of Missouri volunteers under Colonel Sterling Price, also a battalion of four companies under Lieutenant-Colonel Willock, and the battalion of Mormon volunteers.

The advance division left Leavenworth late in June, 1846, and on reaching the Santa Fé trail followed that well-marked course into New Mexico. One of the best authorities on this remarkable expedition is the journal written by First Lieutenant, afterwards Brevet Major W. H. Emory, in charge of the corps of topographical engineers sent out under direction of the Secretary of War Marcy, to make a military reconnoissance of the route from Fort Leavenworth to San Diego. This trip was made with "the advanced guard of the Army of the West," commanded by Col Kearny. His journal, written with commendable freedom from partisan sympathy and containing rather a faithful exposition of the country he passed through and the events which transpired on the way, is the most complete original record of the march to Santa Fé and in the following pages is quoted so far as it bears essentially on this period of our history.

#### MAJOR EMORY'S DAIRY.

August 5, 1846.—(Written while ascending Raton Pass.)—Captain Cooke of the 1st dragoons, was sent ahead the day before yesterday to sound Armijo (General Armijo). Mr. Liffindorfer, a trader, married to a Santa Fé lady, was sent in the direction of Taos, with two pueblo Indians, to feel the pulse of the pueblos and the Mexican people, and, probably, to buy wheat if any could be purchased, and to distribute the proclamations of the Colonel commanding. Yesterday William Bent, and six others, forming a spy-guard, were sent forward to reconnoitre the mountain passes. In this company was Mr. F. P. Blair, Jr., who had been in this country some months, for the benefit of his health.

August 7.—(On the main branch of the Canadian, descending the pass).—I dismounted under the shade of a cottonwood, near an ant-hill, and saw something black which had been thrown out by the busy little insects; and, on examination, found it to be bituminous coal, lumps of which were afterwards found thickly scattered over the plain.

August 10.—Colonel Kearny was dissatisfied with the road, and determined to strike for the old road. We did so after reaching the Vermojo, nine and a half miles in a diagonal line, and rejoined it at the crossing of the Little Cimarron. \* \* \* Five Mexicans were captured by Bent's spy company; they were sent out to reconnoitre our forces, with orders to detain all persons passing *out* of New Mexico. They were mounted on dimin-

utive asses, and presented a ludicrous contrast by side of the big men and horses of the 1st dragoons. Fitzpatrick, our guide, who seldom laughs, became almost convulsed whenever he turned his well practiced eye in their direction.

Mr. Towle, an American citizen, came to headquarters at the Vermejo, and reported himself just escaped from Taos. He brought the intelligence that, yesterday, the proclamation of Governor Armijo reached there, calling the citizens to arms, and placing the whole country under martial law; that Armijo had assembled all the pueblo Indians, numbering about two thousand, and all the citizens capable of bearing arms; that three hundred Mexican dragoons arrived in Santa Fé the day Armijo's proclamation was issued, and that twelve hundred more were hourly expected; that the Mexicans to a man were anxious for a fight, but that half of the pueblo Indians were indifferent on the subject, but would be made to fight.

August 11.— \* \* \* Matters are now becoming very interesting. Six or eight Mexicans were captured last night, and on their persons was found the proclamation of the prefect of Taos, based upon that of Armijo, calling the citizens to arms, to repel the "Americans, who were coming to invade their soil and destroy their *property and liberties*;" ordering an enrollment of all citizens over fifteen and under fifty. It is decidedly less bombastic than any Mexican paper I have yet seen.

August 13.—Bent, of the spy-guard, came up with four prisoners \* \* \* sent forward to reconnoitre and ascertain our force. They said six hundred men were at the Vegas to give us battle. (Entering the valley of Mora they found a white settler)—Mr. Boney, an American, who has been some time in this country, and is the owner of a large number of horses and cattle. \* \* \* Two miles below, at the junction of the Mora and the Sapello, is another American, Mr. Wells of North Carolina. At Sapello a Mr. Spry came into camp, on foot, and with scarcely any clothing. He had escaped from Santa Fé the night previous to inform Colonel Kearny that Armijo's forces were assembling; that he might expect vigorous resistance, and that a place called the Cañon, fifteen miles from Santa Fé, was being fortified; and to advise the Colonel to go around it. War now seems inevitable, and the advantages of ground and numbers will, no doubt, enable the Mexicans to make the fight interesting.

August 14.—The order of march today was that which could easily be converted into the order of battle. After proceeding a few miles we met a queer cavalcade, which \* \* \* proved to be a messenger from Armijo. The men were good looking enough, and evidently dressed in their best bib and tucker. The creases in their pantaloons were quite distinct, but their horses were mean in the extreme, and the contempt with which our dragoons were filled was quite apparent. The messenger was the bearer of a letter from Armijo. It was a sensible, straightforward missive, and if written by an American or Englishman, would have meant this: "You have notified me that you intend to take possession of the country I govern. The people of the country have risen, *en masse*, in my defense. If you take the country, it will be because you prove the strongest in battle. I suggest to you to stop at the Sapello, and I will march to the Vegas. We will meet and negotiate on the plains between them." The artillery were detained some time in passing the Sapello. This kept us exposed to the sun on the plains for four hours, but it gave

the Colonel time to reflect on the message with which he should dismiss the lancers. \* \* \* Sixteen miles brought us within sight of the Vegas, a village on the stream of the same name. A halt was made at this point, and the Colonel called up the lieutenant and lancers and said to them, "The road to Santa Fé is now as free to you as to myself. Say to General Armijo, I shall soon meet him, and I hope it will be as friends." At parting, the lieutenant embraced the Colonel, Captain Turner, and myself, who happened to be standing near.

As we emerged from the hills into the valley of the Vegas \* \* \* the village, at a short distance, looked like an extensive brick-kiln. \* \* \* Our camp extended for a mile down the valley. \* \* \* Captain Turner was sent to the village to inform the alcalde that the Colonel wished to see him and the head men of the town. In a short time down came the alcalde and two captains of militia, with numerous servants, prancing and careering their little nags into camp.

August 15.—Twelve o'clock last night information was received that six hundred men had collected at the pass which debouches into the Vegas, two miles distant, and were to oppose our march. In the morning orders were given to prepare to meet the enemy. At seven the army moved, and just as we made the road leading through the town Major Swords, of the quartermaster's department, Lieutenant Gilmer, of the engineers, and Captain Weightman, joined us, from Fort Leavenworth, and presented Colonel Kearny with his commission as brigadier general in the army of the United States. They had heard we were to have a battle, and rode sixty miles during the night to be in it.

At eight, precisely, the general was in the public square, where he was met by the alcalde and the people; many of whom were mounted, for these people seemed to live on horseback. The General pointed to the top of one of their houses, which are built of one story, and suggested to the alcalde that if he would go to that place he and his staff would follow, and from that point, where all could hear and see, he would speak to them; which he did, as follows:

"Mr. Alcalde and the people of New Mexico: I have come amongst you by the orders of my government, to take possession of your country, and extend over it the laws of the United States. We consider it, and have done so for some time, a part of the territory of the United States. We come amongst you as friends—not as enemies; as protectors—not as conquerors. We come among you for your benefit—not for your injury.

"Henceforth I absolve you from all allegiance to the Mexican government, and from all obedience to General Armijo. He is no longer your governor. (Great sensation.) I am your governor. I shall not expect you to take up arms and follow me, to fight your own people who may oppose me; but I now tell you that those who remain peaceably at home, attending to their crops and their herds, shall be protected by me in their property, their persons, and their religion; and not a pepper nor an onion shall be disturbed or taken by my troops without pay, or by the consent of the owner. But listen! He who promises to be quiet, and is found in arms against me, I will hang.

"From the Mexican government you have never received protection. The Apaches and the Navajos come down from the mountains and carry off your sheep, and even your women, whenever they please. My government will correct all this. It will keep off the Indians, protect you in your persons and property; and, I repeat again, will protect you in your religion. I know you are all great Catholics; that some of your priests have told you all sorts of stories—that we should ill-treat your women, and brand them on the cheek as you do your mules on the hip. It is all false. My government respects your religion as much as the Protestant religion, and allows each

man to worship his Creator as his heart tells him is best. Its laws protect the Catholic as well as the Protestant; the weak as well as the strong; the poor as well as the rich. I am not a Catholic myself—I was not brought up in that faith; but at least one-third of my army are Catholics, and I respect a good Catholic as much as a good Protestant.

"There goes my army—you see but a small portion of it; there are many more behind—resistance is useless.

"Mr. Alcalde, and you, too, captains of militia, the laws of my country require that all men who hold office under it shall take the oath of allegiance. I do not wish for the present, until affairs become more settled, to disturb your form of government. If you are prepared to take oath of allegiance, I shall continue you in office and support your authority."

This was a bitter pill, but it was swallowed by the discontented captain with downcast eyes. The general remarked to him, in hearing of all the people: "Captain, look me in the face while you repeat the oath of office." The citizens were enjoined to obey the alcalde, etc., etc. The people grinned and exchanged looks of satisfaction, but seemed not to have the boldness to express what they evidently felt—that their burdens, if not relieved, were at least shifted to some ungalled part of the body.

We descended by the same rickety ladder by which we had climbed to the top of the houses, mounted our horses and rode briskly forward to encounter our 600 Mexicans in the gorge of the mountains, two miles distant.

\* \* \* The gorge was passed, but no person was seen. \* \* \* Two miles further brought us to another pass, as formidable as the first. \* \*

\* Nine miles further brought us to Tacolote. Here we met the alcalde and the people in the cool and spacious residence of the former, where the drama above described was again enacted. \* \* \*

August 16.—We marched to San Miguel, where General Kearny assembled the people and harangued them much in the same manner as at the Vegas.

Reports now reached us at every step that the people were rising and that Armijo was collecting a formidable force to oppose our march at the celebrated pass of the Cañon, fifteen miles from Santa Fé. \* \* \*

August 17.—A rumor has reached the camp that the 2,000 Mexicans assembled in the Cañon to oppose us have quarreled among themselves; that Armijo, taking advantage of the dissensions, fled with his dragoons and artillery to the south. He has long been suspected of wishing an excuse to fly. It is well known he has been averse to fight. He has been for some days more in fear of his own people than of the American army. He has seen what they are blind to: the hopelessness of resistance. \* \* \*

August 18.—We were this morning twenty-nine miles from Santa Fé. Reliable information, from several sources, had reached camp yesterday and the day before that dissensions had arisen in Armijo's camp, which had dispersed his army, and that he had fled to the south, carrying all his artillery and 100 dragoons with him. Not a hostile rifle or arrow was now between the army and Santa Fé, the capital of New Mexico, and the general determined to make the march in one day and raise the United States flag over the palace before sundown. \* \* \* Fifteen miles from Santa Fé we reached the position deserted by Armijo. It is a gateway which, in the hands of a skillful engineer and 100 resolute men, would have been perfectly impregnable. \* \* \* Armijo's arrangements for de-

fense were very stupid. His abattis was placed behind the gorge some 100 yards, by which he evidently intended that the gorge should be passed before his fire was opened. This done, and his batteries would have been carried without difficulty. \* \* \*

As we approached the town \* \* \* we saw two Mexicans, one the acting secretary of state, in search of the general. The acting secretary brought a letter from Vigil, the lieutenant governor, informing the general of Armijo's flight and of his readiness to receive him in Santa Fé and extend to him the hospitalities of the city. \* \* \*

The head of the column arrived in sight of the town about three o'clock; it was six before the rear came up. Vigil and twenty or thirty of the people of the town received us at the palace and asked us to partake of some wine and brandy of domestic manufacture. During the repast, and as the sun was setting, the United States flag was hoisted over the palace and a salute of thirteen guns fired from the artillery planted on the eminence overlooking the town.

August 19.—I received an order to make a reconnoissance of the town and select the site for a fort, in co-operation with Lieutenant Gilmer of the engineers. \* \* \* The site selected and marked on the map is within 600 yards of the heart of the town, and is from 60 to 100 feet above it. On the 23rd the work was commenced with a small force. \* \* \* On the morning of the 19th the general assembled all the people on the plaza and addressed them at some length.

General Kearny's address was as follows:

"New Mexicans: We have come amongst you to take possession of New Mexico, which we do in the name of the government of the United States. We have come with peaceable intentions and kind feelings towards you all. We come as friends, to better your condition and make you a part of the Republic of the United States. We mean not to murder you, or rob you of your property. Your families shall be free from molestation; your women secure from violence. My soldiers will take nothing from you but what they pay you for. In taking possession of New Mexico we do not mean to take away your religion from you. Religion and government have no connection in our country. There, all religions are equal; one has no preference over another; the Catholic and Protestant are esteemed alike.

"Every man has a right to serve God according to his heart. When a man dies he must render to his God an account of his acts here on earth, whether they be good or bad. In our government, all men are equal. We esteem the most peaceable man the best man. I advise you to attend to your domestic pursuits—cultivate industry—be peaceable and obedient to laws. Do not resort to violent means to correct abuses. I do hereby proclaim that, being in possession of Santa Fé, I am therefore virtually in possession of all New Mexico. Armijo is no longer your governor. His power is departed. But he will return and be as one of you. When he shall return you are not to molest him. You are no longer Mexican subjects; you are now become American citizens, subject only to the laws of the United States. A change of government has taken place in New Mexico, and you no longer owe allegiance to the Mexican government. I do hereby proclaim my intention to establish in this department a civil government, on a republican basis, similar to those of our own States. It is my intention, also, to continue those in office by whom you have been governed, except the governor, and such other persons as I shall appoint to office by virtue of the authority vested in me. I am your governor—henceforward look to me for protection."

The next day the chiefs and head men of the pueblo Indians came to give in their adhesion and express their great satisfaction at our arrival. \* \* \* They and the numerous half-breeds are our fast friends now and forever.

A message was received the same night from Armijo, asking on what terms he would be received, but this proved to be only a ruse on his part to gain time in his flight to the south. Accounts go to show that his force at the Cañon was four thousand men, tolerably armed, and six pieces of artillery. Had he been possessed of the slightest qualifications for a general he might have given us infinite trouble. A priest arrived last night, the 29th, and brought the intelligence that at the moment of Armijo's flight Ugarte, a colonel in the regular service, was on his march at this side of the Passo del Norte (El Paso) with five hundred men to support him; that, had he continued, he would have been unable to rouse the whole southern district, which is by far the wealthiest and most populous of the whole country.

In the course of the week various deputations have come in from Taos, giving in their allegiance and asking protection from the Indians. That portion of the country seems the best disposed toward the United States. A Taos man may be distinguished at once by the cordiality of his salutation. [There was appended a footnote as follows: "Since this was written the massacre of the excellent Governor Bent has taken place in Taos. It proves the profound duplicity of this race."] \* \* \* Various rumors have reached us from the south that troops are moving on Santa Fé and that the people are rising, etc. To quiet them an expedition of one hundred and fifty miles down the river has been determined on, to start on the 1st of September.

August 30.—Today we went to church in great state. The governor's seat, a large, well-stuffed chair covered with crimson, was occupied by the commanding officer. The church was crowded with an attentive audience of men and women, but not a word was uttered from the pulpit by the priest, who kept his back to the congregation the whole time, repeating prayers and incantations.

The population of Santa Fé is from two to four thousand, and the inhabitants are, it is said, the poorest people of any town in the province. \* \* \* The better class of people are provided with excellent beds, but the lower class sleep on untanned skins. \* \* \* Grain was very high when we first entered the town, selling freely at five and six dollars the fanegas (one hundred and forty pounds). Milk at six cents per pint, eggs three cents apiece, sugar thirty-five cents per pound and coffee seventy-five cents. The sugar used in the country is chiefly made from the cornstalk. A great reduction must now take place in the price of dry goods and groceries, twenty per cent at least, for this was about the rate of duty charged by Armijo, which is now, of course, taken off.

Of the events dealing more directly with the subjugation of New Mexico, John T. Hughes's "Doniphan's Expedition" is the most reliable authority, although its pronounced sympathy with the American side leads to a suspicion of bias in his judgment of men and motives. His work is the source of most of the facts stated in the following paragraphs, and quotations, where not otherwise assigned, are from his book.

"Near this some time (late in August) the priest of San Felipe and the curate of the churches in the valley of Taos came to acknowledge the authority of the conqueror, receive his commands and ask protection for the churches and church property. The general having assured them that their temples of worship should be respected and their 'religion in the

amplest manner preserved to them,' they returned home peaceably and favorably disposed toward the Americans, more subdued by kindness than by force of arms. They did not even forbear to speak in praise of the generous and magnanimous conduct of their conquerors. (It was not long before these faithless priests and leaders were detected in a conspiracy against the new government.)

"Also a young pueblo chief, with a few of his warriors, came in to see the new governor. He said he had heard of General Kearny and had come to see him; that he desired to know what his intentions were—whether he intended to protect the Pueblos or murder them; that the priests had told him that the Americans would plunder and kill them and take their wives and daughters away from them, and that such as they took prisoners they would brand on the face with a red-hot iron and thus make them American citizens; that he now desired to know if such was the truth; that if it were so, he would go back to his people and encourage them to fight the Americans; that it was better to die honorably, in defense of his people and country, than to suffer these outrages. He also stated that Governor Armijo had visited Taos and persuaded the pueblos to join his army, but that the wise men of the pueblos—old, venerable men, who had great experience and great knowledge—told Armijo that it was useless to fight the Americans; that they were a numerous people; that if he whipped the Americans in one battle, or destroyed one army, others would keep on coming from the east as long as the sun continued to shine, and that finally they would kill all the Mexicans and then kill the pueblos, their allies. Moreover, that Armijo would run when the fight came on, and leave the pueblos to be slaughtered by the enraged Americans. \* \* \* General Kearny, pleased with the boldness and magnanimity of the young chief, gave him some money and other presents and dismissed him with assurances of his friendship."

Soon after issuing his proclamation, General Kearny, having occasion to transfer some government property into the hands of a public official, began writing an order on a piece of blank paper that lay on his desk. The alcalde, who happened to be in the room, remarked that an instrument in writing was not legal unless it were drawn on paper stamped by the government. He then handed Kearny a few sheets of the stamped paper, remarking that the government sold it for but eight dollars per sheet, "a very moderate sum to pay for having an important document strictly legal." The words Kearny had first intended to write upon the unstamped paper gave place to these:

"The use of the 'stamp paper' by the government of New Mexico is hereby abolished. Done by the governor, S. W. Kearny, brigadier general."

"I will now take it at its real value, like other paper," said the general to the astounded alcalde, ruining his hopes of further extortion.

Rumors having reached Santa Fé that the adherents of Armijo and a few pueblo Indians were rallying in force near Albuquerque, with the intention of attacking the Americans and removing the capital to the latter city, General Kearny, with a force of seven hundred and twenty-five men, left Santa Fé on September 2nd, arriving at Albuquerque on the 5th, where the command, much to the surprise of all, was received with friendly demonstrations, and encamped that night eight miles below the town. From



there they proceeded to Peralta and San Tome, but, finding conditions peaceful, the little army returned to Santa Fé, arriving there September 13th. During Kearny's absence Colonel Doniphan superintended the erection of Fort Marcy, and with the aid of Willard P. Hall completed the "Organic Laws and Constitution" for the government of the new territory, now known as the "Kearny Code." These laws, which were hastily compiled, were derived chiefly from the laws of Missouri and Texas and the constitution of the United States. The civil government was soon established and put in motion. A small printing press which had been used by the Mexican officials was found, and with this the new laws were printed. As the Spanish language has no W, two V's were substituted for one W. In this manner were the constitution and laws printed in both languages in parallel columns. The task of translating the laws into Spanish was assigned to Captain David Waldo.

General Kearny's next step was to appoint civil officers for the Territory, under the authority of the president. The men commissioned by him were as follows:

Governor, Charles Bent.  
Secretary, Donaciano Vigil.  
Marshal, Richard Dallan.  
United States District Attorney, Francis P. Blair, Jr.  
Auditor of Public Accounts, Eugene Leitensdorfer.  
Judges of the Supreme Court, Joab Houghton, Antonio Jose Otero, Charles Beau-  
bien.

Fort Marcy, which commanded the city from an eminence to the north, was laid off by Lieutenant Gilmer of the topographical corps and L. A. Maclean, a volunteer of Captain Reid's company. It was built by the volunteer troops, those who labored ten days or more consecutively receiving eighteen cents per day in addition to their regular allowance. The figure of the fort was that of an irregular tridecagon, and it had accommodations for one thousand soldiers. Its walls were massive, thick and strong, and were built of adobe bricks two feet long, one foot wide and six inches thick. It was named in honor of William L. Marcy, then secretary of war.

On September 25th General Kearny, at the head of a small force, set out for California, leaving Colonel Doniphan in command of all the forces in New Mexico until the arrival of Colonel Sterling Price, who was to succeed him, leaving Colonel Doniphan free to proceed upon his expedition to join General Wool at Chihuahua, according to the original plans. Colonel Price, at the head of the Second Missouri Mounted Volunteers, with one mounted extra battalion and one extra battalion of Mormon infantry, a total of about twelve hundred men, left Fort Leavenworth about the middle of August. About this time Captain Allen of the First Dragoons, under orders from the war department, proceeded to Council Bluffs, where for several months the Mormons had been collecting with the intention of founding a settlement, and there raised a body of five hundred volunteer infantry. This body was outfitted at Fort Leavenworth, and soon after the departure of Price took up the march to Santa Fé and thence to the Pacific coast.

Colonel Price, his health almost shattered as the result of the hardships incident to the journey across the plains, arrived in Santa Fé with a few of

his staff officers on September 28. His troops followed him day by day, the greater part of them, including the Mormon battalion, being delayed until the 9th to the 12th of October. The aggregate effective force of the American army in Santa Fé at this time was about thirty-five hundred men. Soon after this force was somewhat broken up by Doniphan's orders, numbers being dispatched to various localities where forage and water might be easily obtained.

On October 11 a message was received from General Kearny to the effect that news had been received that the Americans had occupied California without resistance, and instructing Colonel Doniphan to delay his contemplated move upon Chihuahua for a time, and proceed against the Navajo Indians and chastise them for their recent depredations. As winter was approaching, Doniphan executed the order with all possible expedition. Four months' pay was now due the soldiers, and many of them would soon be destitute of clothing suitable for the winter, yet Doniphan had not a dollar of government funds on hand to meet the just demands of the men. Small wonder, then, that they regarded the Navajo campaign as a hardship. But they entered upon the work with more zest than should have been expected under the circumstances. Proceeding down the Rio Grande to the Rio Puerco, they entered the mountains, but finding no Indians, part of the command continued their journey to the ruins of Valverde, where headquarters were established. From here expeditions against the Navajos into the mountains to the west were made. Portions of the command went westward from Albuquerque to the Pueblo of Laguna, and explored the country in that vicinity, finding most of the Navajos inclined toward peace, though they were levying tribute upon the frontier Mexican and pueblo villages. Lieutenant-Colonel Jackson had been instructed by General Kearny to negotiate a triple league of peace between the Navajos, Pueblos and Mexicans on one side and the Americans on the other. The Navajos were willing to treat with the Americans, but they were unable to comprehend why they should be asked to surrender the captives and property which they had taken from the Mexicans and pueblos. Neither could they conceive how the Mexicans, having been conquered by the Americans, had become American citizens. Captain Reid, with about thirty men, under the guidance of Sandoval, a noted Navajo chief, penetrated the Navajo country as far as the Colorado river. While the expedition was not productive of any immediate beneficial results, it tended to give the Navajos a good impression of the enterprise and good faith of the Americans, though they could not be induced to place any confidence in Mexican promises.

In the meantime a detachment had been sent out from Santa Fé to preserve order among the Utes, under command of Major Gilpin. Other parties were dispatched on similar missions among the border tribes. These detachments finally effected a junction with Doniphan's main command, reporting that the Indians had said they had entered into a treaty of peace with the Americans, alluding, doubtless, to the equivocal arrangement made with Captain Reid. Dissatisfied with this arrangement, Doniphan finally succeeded in arranging for a meeting with the chief men of the tribe at Bear Spring, where a formal treaty was made on November 22. The exertions resulting in this treaty were, at that time, almost unparalleled, for the Navajos and Mexicans had been at war ever since the Spanish settlement of the country.

Upon his return from the Navajo country Colonel Doniphan concentrated his force at Valverde, preparatory to his march to Chihuahua, and sent to Santa Fé for additional artillery. The expedition started across the Jornada del Muerto, in three detachments, about the middle of November. On the 22d of that month they reach Doña Ana, and encamped upon the soil of the state of Chihuahua. At Brazito they met a force of Mexicans under General Ponce de Leon, and a desperate engagement ensued. The victory lay with the Americans, the Mexicans fleeing in panic. This battle was fought on Christmas day, 1846. By this defeat the Mexican army was completely disorganized and dispersed. The capture of El Paso, the battle of Sacramento and the capitulation of Chihuahua followed, and the successful termination of the historic Doniphan expedition was a matter of but a few days.

## MILITARY REGIME AND TAOS REVOLUTION

With the occupation of Santa Fé, General Kearny proclaimed the authority of the United States in the Territory, and proceeded to establish civil government in the conquered domain. These facts have been narrated on preceding pages, but in order to understand thoroughly the grounds on which New Mexico became a possession of the United States, and how far the charges are justified that the Mexican war was "a war for the acquisition of territory," it is necessary to present a more complete review of the circumstances attending the spread of American authority over this part of the Southwest.

Before the departure from Leavenworth of the Army of the West, General Kearny received the following instructions, in part, from the secretary of war (Marcy): "Should you conquer or take possession of New Mexico and California, or considerable places in either, you will establish temporary civil governments therein, abolishing all arbitrary restrictions that may exist, so far as it may be done with safety. In performing this duty it would be wise and prudent to continue in their employment all such of the existing officers as are known to be friendly to the United States and will take the oath of allegiance to them. You may assure the people of these provinces that it is the wish and design of the United States to provide for them a free government with the least possible delay, similar to that which exists in our territories. They will then be called upon to exercise the rights of free men in electing their own representatives to the territorial legislature. It is foreseen that what relates to the civil government will be a difficult and unpleasant part of your duty, and much must necessarily be left to your own discretion. In your whole conduct you will act in such a manner as best to conciliate the inhabitants and render them friendly to the United States."

This order, dated June 3, 1846, seems to indicate a clear intention, at least on the part of those concerned in its issuance, to incorporate under the United States government all portions of New Mexico and California which should be won by force of arms. Gen. Kearny, in his famous proclamation of August 22, 1846, to the inhabitants of New Mexico, showed that he meant to follow out these instructions with very liberal regard for their essential provisions as above quoted. His proclamation, issued four days after the capture of Santa Fé, is as follows:

"Proclamation to the inhabitants of New Mexico, by Brigadier General S. W. Kearny, commanding the army of the United States in the same:

"As by the act of the Republic of New Mexico a state of war exists between that government and the United States, and as the undersigned, at the head of his troops, on the 18th instant, took possession of Santa Fé, the capital of the Department of New Mexico, he now announces his intention to hold the department with its original boundaries (on both sides of the Del Norte) as a part of the United States, and under the name of the Territory of New Mexico.

"The undersigned has come to New Mexico with a strong military force, and

an equally strong one is following close in his rear. He has more troops than necessary to put down any opposition that can possibly be brought against him, and therefore it would be folly and madness for any dissatisfied or discontented persons to think of resisting him.

"The undersigned has instructions from his government to respect the religious institutions of New Mexico, to protect the property of the church, to cause the worship of those belonging to it to be undisturbed, and their religious rights in the amplest manner preserved to them. Also to protect the persons and property of all quiet and peaceable inhabitants within its boundaries, against their enemies, the Eutaws, Navajos and others. And while he assures all that it will be his pleasure as well as his duty to comply with those instructions, he calls upon them to exert themselves in preserving order, in promoting concord, and in maintaining the authority and efficiency of the laws; and to require of those who have left their homes and taken up arms against the troops of the United States, to return forthwith to them, or else they will be considered as enemies and traitors, subjecting their persons to punishment and their property to seizure and confiscation, for the benefit of the public treasury. It is the wish and intention of the United States to provide for New Mexico a free government, with the least possible delay, similar to those in the United States, and the people of New Mexico will then be called on to exercise the rights of freemen in electing their own representatives to the territorial legislature; but until this can be done the laws hitherto in existence will be continued until changed or modified by competent authority, and those persons holding office will continue in the same for the present; provided, they will consider themselves good citizens and willing to take the oath of allegiance to the United States.

"The undersigned hereby absolves all persons within the boundary of New Mexico from further allegiance to the Republic of Mexico, and hereby claims them as citizens of the United States. Those who remain quiet and peaceable will be considered as good citizens and receive protection. Those who are found in arms or instigating others against the United States will be considered as traitors, and treated accordingly. Don Manuel Amijo, the late governor of this department, has fled from it. The undersigned has taken possession of it without firing a gun or shedding a drop of blood, in which he most truly rejoices, and for the present will be considered as the governor of this Territory.

"Given at Santa Fé, the capital of the Territory of New Mexico, this 22d day of August, 1846, and in the seventy-first year of the independence of the United States.

"By the Governor:

"S. W. KEARNY, Brigadier General."

This proclamation was followed in a few weeks by the publishing of the famous "Kearny Code." The "Bill of Rights" accompanying this declares the basic principles according to which law and government under American rule should proceed. The exact words of this document follow:

"That the great and essential principles of liberty and free government may be recognized and established it is hereby declared:

"First. That all political power is vested in and belongs to the people.

"Second. That the people have the right peaceably to assemble for their common good, and to apply to those in power for redress of grievances by petition or remonstrance.

"Third. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no person can ever be hurt, molested or restrained in his religious professions if he do not disturb others in their religious worship; and that all Christian churches shall be protected and none oppressed, and that no person, on account of his religious opinions, shall be rendered ineligible to any office of honor, trust or profit.

"Fourth. That courts of justice shall be open to every person, just remedy given for every injury to person or property, and that right and justice shall be administered without sale, denial or delay, and that no private property shall be taken for public use without just compensation.

"Fifth. That the right of trial by jury shall remain inviolate.

"Sixth. That in all criminal cases the accused has the right to be heard by himself and counsel, to demand the nature and cause of the accusations, to have

compulsory process for witnesses in his favor, to meet the witnesses against him face to face, and to have a speedy trial by a jury of his country.

"Seventh. The accused cannot be compelled to give evidence against himself, or be deprived of liberty, or property, but by a verdict of a jury and the laws of the land.

"Eighth. That no person, after having been once acquitted by a jury, can be tried a second time for the same offense.

"Ninth. That all persons shall be bailed by sufficient sureties, except in capital offences where proof of guilt is evident, and the privilege of a writ of *habeas corpus* cannot be suspended except the public welfare shall require it in the case of rebellion or invasion.

"Tenth. Excessive bail shall not be required, excessive fines imposed, nor cruel and unusual punishment inflicted.

"Eleventh. That the people shall be secure in their persons, papers, houses and effects from unreasonable searches and seizures, and that no writs shall issue for a search or seizure without a probable cause of guilt is made out under oath.

"Twelfth. That free communication of thoughts and opinions is one of the invaluable rights of free men, and that every person may freely speak, write or print on any subject, being responsible for every abuse of that liberty.

"Thirteenth. That no vicar, priest, preacher of the Gospel, nor teacher of any religious denomination shall ever be compelled to bear arms, or to serve on juries, work on roads or perform military duty.

"Done at the Government House, in the City of Santa Fé, in the Territory of New Mexico, by Brigadier General Stephen W. Kearny, by virtue of the authority conferred upon him by the Government of the United States, this twenty-second day of September, A. D. 1846.

"S. W. KEARNY,  
"Brigadier General, U. S. A."

In sending to Washington a copy of the laws prepared for the government of New Mexico and list of appointments of civil officers, General Kearny refers to the preparation of the code in the following language:

"I take great pleasure in stating that I am entirely indebted for these laws to Colonel A. W. Doniphan, \* \* \* who received much assistance from Private Willard P. Hall of his regiment.

"These laws are taken, part from the laws of Mexico—retained as in the original—a part with such modifications as our laws and constitutions made necessary; a part from the laws of the Missouri Territory; a part from the laws of Texas; and also of Texas and Coahuila; a part from the statutes of Missouri; and the remainder from the Livingston Code."

In this manner was the famous Kearny Code of law brought together. The organic law, he states, "is taken from the organic law of Missouri Territory."

It will be remembered that the ostensible object of the Mexican war had been to extend the Texas boundary to the Rio Grande river. No reference is made to this in any of the instructions given to General Kearny, and his extension of civil government along both sides of the Rio Grande quite ignored any pretensions that Texas might set up to the east side. The enemies of the administration in Washington at the time made all these facts the basis for extreme denunciation of the war and all its results.

This partisan fight at Washington led to some modification of General Kearny's course in New Mexico. On January 11, 1847, the war and navy departments sent dispatches regarding the authority of those entrusted with the conquest of the southwestern country. Secretary Marcy (war) said in his dispatch: "It is proper to remark that the provisions of the laws which have been established for the government of the Territory of New Mexico

go, in some few respects, beyond the line designated by the president, and propose to confer upon the people of that territory political rights under the constitution of the United States. Such rights can only be acquired by the action of Congress. So far as the code of laws established in New Mexico by your authority attempts to confer such rights, it is not approved by the president, and he directs me to instruct you not to carry such points into effect."

In his dispatch of the same date to Commodore Stockton, the secretary of the navy said: "Pending the war, our possession gives only such rights as the laws of nations recognize, and the government is military, performing such civil duties as are necessary to the full enjoyment of the advantages resulting from the conquest and to the due protection of the rights of persons and of the property of the inhabitants. No political rights can be conferred on the inhabitants thus situated emanating from the constitution of the United States."

As the evident object of the dispatch was to correct the errors which had been committed in the organization of civil government in New Mexico, and as no error was specified in the dispatch but that of giving the people of the Territory a representation in Congress, the natural conclusion seemed to be that none other existed in the laws or form of government adopted for the Territory. That the error alluded to did not consist in permitting the people to elect agents to assist in the making or the execution of the laws is evident from the following paragraph from the dispatch last referred to:

"In the discharge of the duty of government in the conquered territory during our military possession, it has not been deemed improper or unwise that the inhabitants should be permitted to participate in the selection of agents to make or execute the laws to be enforced. Such a privilege cannot fail to produce amelioration of the despotic character of martial law, and constitute checks, voluntarily and appropriately submitted to by officers of the United States, all whose instructions are based on the will of the governed. I have regarded your messages in authorizing the election of agents charged with the making of laws or in executing them as founded on this principle, and, so far as they carry out the right of temporary government under existing rights of possession they are approved, but no officers created or laws or regulations made to protect the rights or perform the duties resulting from our conquest can lawfully continue beyond the duration of the state of things which now exists, without the authority of future treaty or act of Congress."

It is therefore evident that the Kearny Code and the act of the session of December, 1847, were valid with the restriction above alluded to with regard to political rights under the constitution of the United States. But as the temporary government established ceased to exist upon the conclusion and exchange of ratifications of a treaty of peace with Mexico, it was maintained that the laws passed by the temporary civil government ceased to exist also, unless perpetuated by the treaty itself. The Supreme Court decided that the treaty did not provide any system of government for the ceded territory, but only provided that civil rights that had been legally vested by the Mexican laws in Mexican citizens, who for the future should be American citizens, should not be taken away from them.

## TAOS REVOLUTION.

After the occupation of Santa Fé by General Kearny many of the native inhabitants of the Territory became dissatisfied with the new order of things. Threats against the new government were freely made, and though it was generally believed that this was due to the spirit of bravado for which the Latin race has always been more or less celebrated, the authorities deemed it discreet to keep a close watch on the movements of the discontented ones. General Kearny had proceeded to California, leaving Colonel Sterling J. Price in command at Santa Fé. During the fall of 1846 Colonel Price learned from reliable sources that Tomas Ortiz and Diego Archuleta, two influential native politicians, with the secret assistance of Fr. Antonio José Martinez, priest in charge of the Roman Catholic parish of Fernando de Taos, had been inciting a general uprising of the Mexicans and pueblo Indians, especially those located in the northern part of the Territory. The plan of these conspirators, according to advices received by Colonel Price, was to have all this native population who were able to bear such arms as they might procure fall upon and kill all Americans and other foreigners in the Territory at a preconcerted moment. The two leading spirits in this movement, learning that the authorities in control had been informed of their movements, fled from the country, and it was for a time believed that the threatened rebellion would not materialize.

But other leaders were found soon afterward in the persons of Pablo Montoya and a Taos pueblo Indian called by the Mexicans El Tomacito. Through talkative Mexicans in Taos, Santa Fé and other points the Americans learned of the contemplated uprising. Charles Bent, the first civil governor of the Territory under appointment by General Kearny, for several years had been engaged in freighting and trading in partnership with Colonel Ceran St. Vrain, making his business headquarters at Santa Fé, though his family resided at Taos. In conjunction with Colonel Price he took prompt steps to put down the incipient revolution. A number of the revolutionists in Santa Fé were placed under arrest.\*

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\*On January 8, 1847, one week before he started for Taos for the purpose of removing his family to the capital, he issued the following pacificatory proclamation: "Carlos Bent, Governor of the Territory of New Mexico, to the Inhabitants thereof:

"Citizens:—A combination of extraordinary ideas rush to my mind to furnish me material wherewith to address you for the first time. I shall not make use of eloquent or sublime language in order to make myself understood; truth is self-convincing and needs not the aid of rhetoric to set it forth.

"In the year 1829 I came for the first time to this country. Since I became acquainted with it, your frank and simple character has won my sympathy which, with time, has been so deeply rooted that I can never part from it, and I therefore cast my fortunes with your own. I am a New Mexican by adoption and to this soil are linked all my possessions, and more so to-day that it has been annexed to my native country, the United States of America, which is the cradle of liberty and of which you are a component part.

"General S. W. Kearny took military possession of this Territory with unbounded pleasure on the 18th day of August of last year, because without using force, and without sorrow and no shedding of tears, you recognized the republican government to which you belong to-day. You are now governed by new statutory laws and you also have the free government which he promised you in his proclamation. Do not abuse the great liberty which is vouchsafed you by it, so you may gather the abundant fruits which await you in the future. Those who are blindly opposed, as well as those whose vices have made them notorious, and the ambitious persons who aspire to the best offices, also those persons who dream that mankind should bow to their





**Ruins of Church at Taos Pueblo**  
**Bombarded by the Americans in February, 1847**



**West Pueblo, Taos**



Governor Bent was one of the least alarmed men in the country. The native inhabitants, especially those of Santa Fé and Taos counties, had always professed the warmest admiration and friendship for him and his family and friends, and he had treated them all with kindly consideration and generosity. Consequently, upon his arrival at his home in Taos on January 18 he paid little attention to the alarming reports of the state of affairs or to the urgent request of his friends that he remove his family to Santa Fé at once. "Why should they want to kill me or my family?" he asked. "Have I not been their friend? Have I not supplied them with medicines when they were ill, with food when they were hungry, with clothing when they needed it? Have no fears for me. I will depart with my family in good time."

But Governor Bent had misjudged the temper of the people and the influence of the treacherous men who had professed such friendship. Early on the morning of January 19, while the people of Taos were still in their beds asleep, the insurrectionists, many entering town quietly from the surrounding country and there joining forces with those of their fellow-conspirators who resided there, began the attack. Beginning with the destruction of the houses occupied by the hated Americans, they soon worked themselves up to a state of frenzy and demanded the blood of the objects of their attack. The night was extremely cold and the ground was covered with snow, but as soon as the discharge of firearms was heard the sleeping inhabitants started to flee in alarm, clad only in their night

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whims, having become satisfied that they cannot find employment in the offices which are usually given to men of probity and honesty, exasperated (Thomas Ortiz and the old revolutionist Diego Archuleta) have come forth as leaders of a revolution against the present government. They held a meeting in this Capital about the middle of last month which was also attended by some foolish and imprudent men who were urged to follow the standard of rebellion. Their treason was discovered in time and smothered at its birth. Now they are wandering about and hiding from the people, but their doctrines are scattered broadcast among the people thereby causing uneasiness and they still hold to their ruinous plans.

"The organic law and the statutes are the foundation upon which these anarchists lean. They say that tax on land is the aim of the present government; that it wants to impose the first and to deprive you of the latter. It is an infamous lie.

"Examine the laws from beginning to end and you will not find a single page to prove such falsehood. It is true that the laws impose taxes, but only on commerce and distilleries where liquor is distilled from corn and wheat, but not upon the people. An office also has been created for the purpose of recording the titles to the lands but this is in order to further protect your titles to your property, and not for the purpose of depriving you of the same as it has been falsely asserted by evil minded persons. There is still another pretext with which they want to alarm you, and that is the falsehood that troops are coming from the interior in order to reconquer this county. What help could the department of Chihuahua, which is torn by factions and reduced to insignificance afford you? Certainly none.

"Colonel Doniphan, who is now advancing on the town of El Paso, with his regiment, was attacked by a superior force at Bracito, but he dispersed the enemy in a few moments with the loss of thirty men. Listen, my friends, with what flimsy pretexts the turbulent elements wants to deceive you. I urge you to turn a deaf ear to such false doctrines and to remain quiet, attending to your domestic affairs, so that you may enjoy under the law, all the blessings of peace, and by rallying around the government call attention to the improvements which you deem material to the advancement of the country and that by so doing you may enjoy all the prosperity which your best friend wishes you.

"CARLOS BENT.

"Santa Fé, January 8, 1847."

clothes. The stampede soon ended, however, and preparations for some show of defense were begun.

The valiant Montoya kept in the background, leaving the first attack to the Indians, under Tomacito. Reaching the home of Governor Bent, as the Indians pounded on the door leading into the main room of the house, the governor, standing behind the locked door, inquired what was wanted.

"We want your head," replied one of the Indians, who is believed to have been Tomacito.

"If you want money, or anything else I can give you, you may have it," replied the governor.

"No, we want your head," was the answer.

Alfred, the ten-year-old son of the governor, entering another room at this moment returned with a toy gun, and standing beside his father, bravely said:

"Papa, let us fight like men."

Hardly had the words escaped the child's lips when a gun was discharged through the door. The first shots struck Governor Bent in the chin and in the stomach. The door was then broken in and the Indians filled the body of the fallen man with arrows, three of which he pulled from his head and face as he lay prostrate. As the Indians were slashing his wrists and hands with their knives and axes, a Mexican named Buena-ventura Lobato entered the room, and seeing what they were doing cried:

"I did not tell you to kill him, but only to take him prisoner!"

Lobato, in a public speech, afterward admitted his local leadership in the uprising.

Governor Bent was scalped before he died, amid the fiendish yells of his murderers. His head was afterward hacked from his body.

In the meantime, seeing that resistance was useless, Mrs. Boggs, wife of Thomas Boggs, Mrs. Carson and Mrs. Bent, all members of the governor's household, began to dig a hole in the adobe wall of the room, using an iron spoon for the purpose, hoping to enable the governor to make his escape. Though too late, they were able to make their own way into the adjoining house. They were pursued, and Mrs. Boggs and Mrs. Carson begged on their bended knees that the assailants spare the lives of Mrs. Bent and her children. For a moment the murderers relented, and the three women and the Bent children escaped and fled to the home of Mrs. Juana Catalina Valdez-Lobato, where they remained until the arrival of the troops from Santa Fé fifteen days later.

Following the killing of Governor Bent, the remaining Americans hid themselves in the most convenient places. Pablo Jaramillo, Mrs. Bent's brother, and Narciso Beaubien, a son of Charles Beaubien and one of the most highly educated and promising young men of New Mexico, buried themselves beneath straw and manure in a stable in the rear of the house, but were discovered and their bodies were pierced through with lances. The house was then destroyed by fire. Among the others who were massacred were Louis Lee, who was acting as sheriff at the time; Cornelio Vigil, prefect and probate judge of Taos county and an uncle of Mrs. Bent, and J. W. Leal, a lawyer.

After concluding their bloody work at Taos, the murderers proceeded to Arroyo Hondo, where the work of assassination and carnage was continued. There they destroyed a distillery and killed Jesse Turley and two

other Americans. John Albert and Thomas Tobin succeeded in effecting their escape from the latter place, and Tobin is credited by some as having been the man who carried the news of the uprising to Santa Fé. Mrs. Alloys Scheurich, of Taos, a daughter of Governor Bent and an eyewitness to these thrilling scenes, says that Stephen Lee, a brother of Louis Lee, who was killed, walked all the way to Santa Fé on this mission, after having been shot in the heel.

While these bloody scenes were being enacted at Taos, similar attacks were made upon Americans in other parts of the Territory. Seven Americans in Mora were killed. These were Santa Fé traders, the most prominent of whom was Lawrence L. Waldo, of Westport, Mo., father of Henry L. Waldo, of Santa Fé. Mr. Waldo had been engaged in trade for several years and had made many trips with caravans over the Santa Fé trail. Like Governor Bent, he was respected and liked by the masses of Mexicans and Indians. He was just entering Mora with his companions in charge of a caravan, ignorant of the fact that an uprising was afloat, when all were shot from ambush and killed. When the news of this affair reached Las Vegas, a detachment of troops was sent to Mora. They returned to Las Vegas with the bodies of the murdered men, who were buried in the latter town.

As soon as Colonel Price received word of the massacre at Taos, he started for the scene, arriving there February 3. At La Cañada, on the road between the two places, he met a small force of insurrectionists, whom he routed. He then sent Captain Burgwin with two companions, accompanied by Colonel Ceran St. Vrain and sixty volunteers, on an advance toward Taos. Aside from a short skirmish at Embudo, they met with no resistance. Price followed Burgwin with the main command.

When the relief expedition reached Taos, they learned that the Mexicans and Indians had gone to the pueblo and there fortified themselves in the old church of La Iglesia de Taos, established there in the early part of the seventeenth century, believing that the Americans would not dare to fire upon that edifice. As soon as Price and the main body of the expedition arrived, they proceeded at once to the pueblo, about three miles north of Fernando de Taos, and after firing three or four shots from a small cannon into the church, they returned to the village and camped for the night. The Indians and Mexicans, believing that their strong position had discouraged the attacking force, indulged in great rejoicing that night and the day following, but on the second day the troops returned to renew the attack. They found the insurrectionists occupying the pueblo houses, but soon drove them to refuge in the ancient church again. The assault on the church was made with three small howitzers and a six-pound cannon, but the missiles would not penetrate the thick adobe walls of the structure. Ammunition was running short, and volunteers to effect a breach in the rear walls were called for. Thirty-five men responded, but they found their work difficult on account of the rapid fire maintained from inside the church. Three of the assaulting party were killed before the force had effected a sufficient breach to enable the Americans to shell the interior of the building. Awful carnage resulted from the explosion of the shells. The besieged burst open the doors and fled toward the mountains. James Quinn planted the American flag on the walls inclosing the churchyard, but some of the retreating Mexicans shot it down. Much hand-to-hand fighting en-

sued in the pursuit to the mountains, and little quarter was asked or given. Most of those who were not killed were captured. The federal troops hitched the captives to wagons and compelled them to draw many loads of their booty back to Taos.

The loss to the troops and volunteers was about thirty-five, including Captain Burgwin, who was buried at Taos. The loss to the Mexicans and Indians was about one hundred and fifty. After the battle a detachment of soldiers was left to hunt for the leading conspirators. Montoya and Tomacito were captured and placed in prison to await trial, but a dragoon named Fitzgerald shot Tomacito in head, killing him instantly. Fitzgerald escaped and was not captured. Montoya and twelve others were tried by a court-martial, found guilty, and hanged from the same pole, all at the same time.

The home of Fr. Martinez was generally regarded as the headquarters for the insurrectionists prior to the uprising and until after the attack upon Taos. His power over the parishioners was absolute and his hatred of Americans and American institutions was recognized by all. This fact was regarded by such men as Governor Bent, Charles Beaubien, Colonel St. Vrain and Kit Carson as ample proof of his complicity in the affair. His brother, Pascual Martinez, commanded a company of Mexican "rurales" during the days immediately preceding the Mexican war, and persons who are still living are authority for the statement that he actively participated in the uprising of 1847 at the instigation of the priest. After his death large numbers of Penitentes visited his house and scourged themselves until they dropped from exhaustion. An old Mexican entered their midst and upbraided the mourners for their exhibit of grief, exclaiming: "Why do you do this? Was the father not the cause of all our trouble with the Americans years ago?" This fact is also cited to show the priest's enmity toward all Americans and his probable complicity in the first and last uprising against American authority in New Mexico. \* \* \*

Charles Bent, the chief victim of this savage outbreak, was born in Charlestown, Va., now West Virginia, in 1797. His father, John Bent, was of English ancestry. From his mother he inherited a strain of French blood. In boyhood he was taken by his parents to Kentucky, where his father had a large plantation. He was finely educated and in young manhood studied medicine. He afterward entered the United States Military Academy at West Point, from which he was graduated. After a short service with the army he went to St. Louis and engaged in general merchandising. In 1829 he started over the Santa Fé trail in the determination to engage in trade at some favorable location along the route. For a while he was located on the Arkansas river at a point twelve miles from Las Animas, where his brother William established Bent's Fort in that year. There he maintained a trading post until 1832, when, accompanied by his brothers, William and George, he came to Santa Fé and founded a general merchandising business. A short time afterward another brother, Robert, joined him at that point. In addition to his mercantile establishment the Bent Brothers transported immense quantities of freight across the plains by ox-team. Late in the thirties he formed a partnership with Colonel Ceran St. Vrain, who had been operating independently, and for many years the firm of Bent & St. Vrain transacted the greatest volume of mer-



**Charles Bent, First Governor of New Mexico**

**Assassinated at Taos, July 17, 1847, during the so-called Taos Revolution. Photograph taken from oil painting in the possession of his daughter, Mrs. Aloys Scheurich, of Taos.**





cantile business known to the ante-railroad days. This partnership continued until the tragic ending of Mr. Bent.

On September 22, 1846, the day on which General Kearny issued his proclamation of civil government at Santa Fé, he also gave to Mr. Bent a commission as the first civil governor of New Mexico. The duties of the position did not interfere with the continuance of his commercial transactions, and his extensive acquaintance with the native inhabitants, whom he had invariably treated with the greatest kindness and consideration, and who in turn seemed to hold him in high esteem, rendered his selection a peculiarly felicitous one. He had a splendid knowledge of medicine and surgery, though he never practiced for pay. At one time he was called to the bedside of a sick native woman, and to save her life performed an operation that was practically unknown to surgical science in that day. This was nothing less than the removal of a portion of the intestines of the sufferer, the cleansing of the seat of the disease and the return of the organs. The woman lived, and Mr. Bent's fame as a surgeon spread throughout the entire country, endearing him to all.

Besides his extensive mercantile operations, which brought him great wealth, Governor Bent owned a sixteenth interest in the Beaubien and Miranda grant, a sixteenth interest in the Las Animas grant, and an interest in the Sangre de Cristo grant.

At the outbreak of the Mexican war, while walking from his place of business to his residence in Santa Fé, he was captured by a party of Mexican soldiers and held for ransom. Upon being notified that if a large sum of money were not paid his captors within a brief specified time he would be sent to Mexico, he dispatched a messenger to his home in Taos, apprising his wife of the facts and requesting her to forward what money she had in the house. Mrs. Bent dug from the adobe floors of her home about seven thousand dollars in gold coin, which was forwarded to Santa Fé. Most of this fell into the hands of Don Manuel Armijo, governor of the province, who on numerous other occasions adopted a similar method to add to his store of wealth.

Governor Bent married Maria Ignacio Jaramillo, a daughter of Don Francisco and Apolonia (Vigil) Jaramillo. His wife died at Taos, April 13, 1883. Their children were Alfred, Marcia Estefina, Maria Teresina, George and Virginia. The two latter died in infancy and Alfred died in young manhood. Maria Estefina married Alexander Hicklin and now lives at St. Mary's, Huerfano county, Colorado. Maria Teresina married Aloys Scheurich and resides at Taos. A sister of Mrs. Bent, Josefa Jaramillo, became the wife of Christopher Carson. Another sister, Manuela Jaramillo, married Colonel Jose Maria Valdez, who became an officer in the Civil war. Pablo Jaramillo, a brother, who was killed at Taos during the uprising of 1847, served some time as a scout under Carson.

The day following his murder the headless body of Governor Bent was buried at Taos. The American troops removed it to the military cemetery at Fort Marcy, at Santa Fé, whence it was removed to the Masonic cemetery at Santa Fé, and finally to the federal cemetery in that city, where it now reposes.

Father Antonio Jose Martinez, who was regarded by many as one of the chief authors of the Taos insurrection, was one of the most remarkable men who was ever identified with the history of New Mexico. Born in

Rio Arriba county in 1793, he was grandson of General Martinez, who came from Chihuahua, Mexico, in the early part of the seventeenth century. He was finely educated. Most of his career as a priest in the Roman Catholic church was spent at Taos. His field of labor was especially fitted to a complete domination of his parishioners. He and his brother, Don Pascual Martinez, a captain in the Mexican "rurales" before the war of 1846, had been reared in the county adjoining Taos, and, as children of a man of wealth and influence, their word among the peons and ignorant classes generally was regarded as almost law. In common with representatives of the wealthier classes he taught his inferiors to believe that the Americans were barbarians, thieves and murderers, more to be feared than the wild Indian tribes. His hatred of Americans and their institutions was manifested in many ways. Realizing that his power and prestige among his own people would crumble under American control, he became one of the most bitter enemies of the new régime and used all his great power to incite and keep alive the sentiment of suspicion, distrust and hatred of the newcomers. Though exceedingly generous to his needy parishioners, freely giving of his means for the education of their children, he had no friend among the American pioneers.

He was, to all intents and purposes, not only an arbitrary spiritual guide, but a monarch. He ruled with a tyrannical hand and was obeyed. The pueblo Indians at Taos frequently manifested their extreme dislike of him and his methods. Among them he was probably the only priest of the church whose influence was not more or less strong. His contemporary at the Taos pueblo was Father Lucero, who also served the mission at Arroyo Hondo. Though notorious for his selfishness and miserly disposition, the Indians revered him, while hating Father Martinez.

Father Martinez was acknowledged to be one of the most brilliant men of his day in New Mexico. Under his management the first newspaper in New Mexico was published. This was called *El Crepusculo* (meaning The Dawn), the first number of which was issued November 29, 1835, at Taos. It was printed on paper of letter-cap size, and but four numbers were issued. The press employed for this work was one which had been brought from Mexico about a year prior to the publication of the paper, by Don Santiago Abreu of Rayado, who had intended to use it for printing circulars advertising lands he and his family had for sale.

It is difficult to state just what part this priest bore in the uprising of 1847. His crafty methods rendered it impossible for the American authorities to prove his actual participation and leadership in the revolt, though many Mexicans who were identified with the movement in after years admitted that they were spurred on to the deed by his counsel and advice. The incident of the aged man who upbraided the mourners at his death, which has been related; the testimony of some of the older Indians at the pueblo; the priest's absolute control over his parishioners and his ability to have prevented the outrage which logically accompanied this control over them; his oft-expressed hatred and fear of the Americans—these facts are pointed out as strong circumstantial evidence of his complicity in the movement.

Father Martinez was notorious for his great immorality. Father Lucero was equally so. When the Catholic authorities finally took cognizance



*Ant. Louis Martinez*







of his obliquity and, under the leadership of the good Bishop Lamy, the excommunication of these two priests and many others in the Territory resulted, Father Martinez, still maintaining a strong hold upon the people he had served for so many years, established a church of his own, independent of any see, a church that was not a church. This was located in Taos, and here the deposed father continued to hold services until his

The following is a translation of Father Martinez's famous manifesto of 1862, published after his excommunication mentioned on another page.

"THE CATHOLIC APOSTOLIC CHRISTIAN CHURCH."

The Christian Church, according to the attributes or predicates given in the above title, was the Primitive Church of that religion which the apostles preached, established and founded by the command of its author, Jesus Christ. There was no hierarchy (the Pope, Cardinals, Primates, Patriarchs, Archbishops, Bishops, etc., compose the hierarchy in the Roman Church, to say nothing of their revenues) amongst them, they were all equal, and none was greater than the other, for so the Lord commanded them in the Gospel of Matthew 20:26-27. Their treatment of each other was that of brethren: St. Peter in his first Epistle 2:15 treats Paul as a brother.

Their duty, according to their Lord's order, was to preach the Gospel, teaching and indoctrinating the peoples in the faith of God, in the Incarnation of the Divine Word in the words of sound morality—the commandments of the Law of God, Exodus 20; in the immortality of the soul of the children of the human race and in the practice of righteousness, in order to escape hell and gain a right to obtain eternal happiness in Jesus Christ.

*Church.* This word comes from assembly, that is, a union of many persons in the same place, to treat of matters important to the public good. In this sense the Israelites said to Moses, Num. 20:4: "Why have ye brought the Assembly (church) of the Lord into this wilderness?" and Christ, speaking of brotherly correction, says: "If he hear not the Church, let him be unto thee as a Gentile and a Republican." Mat. 18:17. This is the same understanding of the word given by the Apostles to the congregations of the faithful, as St. John in Rev. 1:4 to the seven churches in Asia. So it is clear that it is called Christian Church after Christ, its Author, and the head of its religion since every congregation of the faithful who in the name of Christ are assembled, treated and governed in the hope of obtaining spiritual salvation is called Christian or a Christian Church. This pertains as well to the church of the Roman communion as to the Greek, the Lutheran and the various reformed churches called Protestant, because they have protested against abuses that have been committed, who uniformly follow faith in God and in Jesus Christ, and practice religion in the morality established by Christ and his Apostles; as Paul says, Ephe. 2:30, "built on the foundation of the Apostles and Prophets, Jesus Christ himself being the chief corner stone." To these churches belongs the epithet of Apostolic. Such of these as follow the same rule in their form and ceremonies should be called, and are, particular churches; but the aggregate of them all, that is, the Roman, the Greek, the Lutheran, and the rest that acknowledge and worship Christ, though they differ in ceremonies, form the Catholic or Universal Church, as they preserve unity with Christ in faith and practice.

The Roman church at its beginning, gained the attention of the whole Catholic world, and accumulated power in proportion to the acquiescence of the rest of the churches; but at length, with the establishment of the Crusaders, of the Tribunal of the Holy Inquisition of canonical punishments, of the bulls of crusading, of dispensations and others that sold indulgences and benefits to the peoples for weighty pecuniary items, and especially with the acquisition of temporal power, it indulged to such an extent in committing excesses, abusing the authority and supremacy that the peoples, Kings and Emperors gave her, that in this one reason emerged for the divisions that today cover the world with Apostolic Christians, who, although not Roman ones, yet far outnumber those who acknowledge Rome. (In genuine history there are thirty-nine millions more Christians in the churches that do not acknowledge Rome than there are in her fold.) Hence it turns out that the unity, infallibility and defense afforded by the famous Gospel "on this Rock will I build my Church, and the Gates of Hell shall not prevail against it" have failed to be fulfilled in the Roman

death, July 27, 1867. He retained a relatively large following, who were faithful to him unto death. Practically all of them were members of the order of Penitentes, one of whose strongholds in New Mexico is Taos county and the contiguous territory, especially Mora and Rio Arriba counties.

About ten years after the Taos uprising, a mutiny of the still discontented native inhabitants was held in Martinez' house, where plans for another massacre were discussed. Every man present is said to have

church, as it has not made it the exclusively Christian church. Therefore, either the gates of Hell have prevailed and that promise has failed; or else, said promise belongs to all Christian churches, and as a consequence the Roman church is only a particular church, when speaking of the Church of Christ, and the term Catholic or Universal belongs to the assemblage of all the above mentioned churches. In this way unity is preserved, and the Savior's promise is fulfilled.

Unity, I say, for although they differ in the ceremonies, which are accidental to religion, they preserve Unity, which is important and essential. Paul Ep. to Ephesians 4:1-16; Unity in the faith is one only God and in Jesus Christ, in the only baptism by which the faithful are enrolled and characterized as sons of God and united in the bonds of peace to follow truth with love, firm and efficacious hope which unites us to Christ, who is head of all, gathering all up into one body to inherit eternal bliss.

The promise is being fulfilled, because the number of believing Christians in the particular churches is not diminished but rather increases and strengthens the faith by the preaching of the Gospel, and thus it is that it may be truly said: "On this Rock will I build my Church," Mat. 16:18, "And the gates of Hell shall not prevail against it."

This is the Universal Church which bears each of the marks which distinguish it—to-wit: infallibility in the mysteries of the faith, and regularity in morality.

Infallibility is one of the cardinal points in the Church of Christ, and this is not found in the will of man nor in the scope of human knowledge, but only in divine revelation. II Peter 1:19-21. We men can and ought to read Holy Scriptures, to reap spiritual fruit from them, since we have for this the express command of the Lord in John 5: 39. "Search the Scriptures, etc." and St. Paul in Rom. 15: 4, says: "For all things written in the past, were written for our instruction so that we might have hope through patience and the comfort of the Scriptures." These in the Church are the "pillar and ground of truth." 1. Tim. 3: 15. "It is written in the Prophets: all shall be taught of God." John 6: 45. See then, how the Scriptures given by Divine revelation are the final tribunal and the fundamental support in the Church of Christ. The Roman church in its operation is manifested in the statutes of Popes and Councils, which repeal and contradict what each other decrees. Hence, it is only infallible when its decision agrees with Holy Scripture. Therefore the universal Church of Christ has its infallibility in the said Scriptures, and thus the promises are fulfilled.

Another cardinal point very important in the Church of Christ, is what should be believed, and the work of righteousness, or sound morality. All should believe the existence of God, the Author of Creation, that He is a just rewarder, recompensing the good and punishing the evil; that He is infinitely wise, true, powerful, eternal, provident, and thus absolute in all his other attributes; the Trinity of the Persons, Father, Son and Holy Spirit, and one only God; the incarnation of the divine Word, the Second Person to redeem the world from original sin which passed to the sons from the sin of their first parents, and from personal sins; that Christ, as man was conceived by the Virgin Mary and born of her, not by connections with man but by the Holy Spirit, to whom love is attributed by the valuation of the Angel Gabriel. Luke 1: 28-38. Finally, all should believe that he preached His doctrine, wrought miracles to confirm the same, suffered persecution and torment even unto death and was nailed to the shameful cross; which sacrifice that finished his mission to the world was offered to the Eternal Father for all men; that he arose on the third day and conversed with his disciples until the day of his ascension to Heaven; with the rest that is taught in Holy Scripture.

As to morality, St. Augustine, Doctor of the Church, says: "Natural law is the very reason or will of God, which commands us to preserve the natural order, and



been sworn to secrecy, but incautious and boastful participants in the meeting soon afterward made threats that the Americans would be exterminated, leaving none to tell the tale. The American residents exhibited some uneasiness at the time, and it was commonly believed that Martinez had between three and four hundred men who would begin the work of carnage at the lift of his finger. But Kit Carson, who was one of the most quiet and law-abiding citizens of the Territory, one day openly stated in the presence of some of the discontented natives that he would like nothing better than "to put a bullet into the scoundrel," and the pueblo Indians, who had been misled in 1847, were openly hostile to the deposed priest. These facts may have led the latter to believe that the better half of valor was discretion. At any rate, matters suddenly became very quiet, and there was no more talk of "revolution."

Upon the death of Martinez his body was buried in the chapel he had built after his excommunication. A few years ago the body was disinterred

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forbids us to disturb it." This includes the observance of the ten commandments of the Law of God, and is the practice of works of righteousness and virtue. Christ taught this doctrine and commanded his Apostle to preach it. Mat. 28: 18-20. "All authority in Heaven and on Earth has been given to me; go, therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Spirit; teaching them to observe all things which I have commanded you."

It is proper that there should be Gospel Ministers in the Church of Christ, as successors in the office of the Apostles and elders, to carry the preaching of the Gospel to the peoples. Acts 20: 28. "Take heed to yourselves and to the flock, over which the Holy Spirit has made you bishop to feed the Church of God which he bought with his blood."

The Apostles faithfully fulfilled the command of Christ, all were martyrs, and sealed with their blood the doctrine they published, scattered among the nations to preach the Gospel; and we, the ministers of today, are likewise obligated to do now; but importunately we observe that several Ministers of the Roman Communion in New Mexico refuse to administer sacraments, being in consecrated ground and other service of their ministry, unless all the tithes, first fruits, fees and other duties are paid in full, and even force voluntary contributions to a higher figure than that proposed by the devotees. Such traffic is identical with the chaffering of pawn-brokers and auctioneers; this practice is contrary to what Jesus Christ commanded in Mat. 10: 8-10, which the apostle and the ministers of the primitive church observed. That church was truly Apostolic; but on the contrary, we see what was prophesied in Acts 20:29 happening. "I know that after my departure grievous wolves will attack you, which will not spare the flock." See 2 Peter, 2:1-3 "of a truth there were false Prophets \* \* \* as also there will be false treachery among you, deceivers who will introduce destructive heresies and will deny the Lord who bought them. \* \* \* And many will follow them in their lascivious doings \* \* \* and with feigned words will make traffic of you for avarice." Is not this what is now commonly happening in those who follow the observance of a diocesan decree of January 14, 1854, making merchandise of the graces and services of the Ministry? We see this with deep pain, and the ignorance of the people and their abject condition are not moved by the words of the Gospel that exhort them to know the truth.

To conclude: We affirm that the Catholic and Universal Church of Christ possesses the promise of being infallible in the Holy Scripture that is the pillar and ground of the truth, in which the immortality of our soul and the promise of eternal happiness is found. Read the word of God contained in the Holy Bible and ponder the true and just maxims of this divine teacher. If we do this, the Holy Spirit will illumine us with his gifts and will impel us by the flame of his love, so that we may walk in the right way, and at the end of our days, by the wall of final perseverance, we shall attain unto eternal life. Amen.

ANTONIO JOSE MARTINEZ DE SANTISTEVAN.

The author of the discourse in the year 1856 resisted the Prelate in his decree of January 14, 1854, and ministers on his own independent resources.

Fernando de Taos, June 7, 1862.

and removed to the cemetery in Taos, where it now reposes. The stone at the head of his grave bears the following inscription:

"En Memoria del Presbitero D. Antonio Jose Martinez, cura de Taos, N. Mexico. Nacio en 1793 el 17 de Enero. Murio el dia 27 de Julio, A. D. 1867. La Legislatura de Nueva Mexica le Llamo al tiempo de se Muerte. La Honra de su Pais. Sir vio la administracion espiritual del curato de Taos por Cuarenta y Dos Años."

Father Lucero, who had charge of the churches at Taos pueblo and Arroyo Hondo during the uprising of 1847, made it a practice to hide in the adobe floor of his house the money he received as offertories in excess of what he needed to supply his temporal needs. Upon his death in 1882-1883 a search of his house at Arroyo Hondo by his relatives disclosed large quantities of silver coins of all denominations, both American and Mexican, besides many gold ounce pieces, which he had buried. William L. McClure, then a merchant of Taos, received in trade about one hundred and ten pounds of these coins, which he shipped to Denver.

During the latter years of his life Father Lucero, then no longer a priest, was attacked in his house by a burglar. The only weapon the aged man possessed was a large knife, nearly worn out, which he kept under his pillow in fear of attack. When he awakened and found that an intruder was in his room, he sprang from his bed and, grasping his knife, swung it wildly about the dark room, a chance blow killing the thief. His case was taken before the grand jury, but no indictment was returned against the now feeble and broken old man.

Following the revolutionary uprising of 1847, several indictments for treason were presented at a term of court over which Judge Houghton presided. The accused men were, for the most part, residents of Taos county. Prior to the precipitation of the conflict which resulted in the death of Governor Bent and the other victims of the conspiracy, a circular letter was sent out, dated January 20, 1847, by Jesus Tafolla, and counter-signed by Antonio Maria Trujillo, "senior enspector," addressed to the various native Mexican military commanders, urging them to rebellion in the following words:

*"To the Defenders of their Country:*

"With the end to shake off the yoke bound on us by a foreign government, and as you are Military Inspector General appointed by the Legitimate Commander for the Supreme Government of Mexico, which we proclaim in favor of: The moment you receive this communication, you will place in readiness all the companies under your command, keeping them ready for the 22d day of this month, so that the forces may be, on the day mentioned, at that point. Take the precaution to observe if the forces of the enemy advance any toward these points, and if it should so happen, appoint a courier and dispatch him immediately, so that exertions may be doubled, understanding that there must not be resistance or delay in giving the answer to the bearer of this official document."

These dispatches were accompanied by orders reading as follows:

*"By the order of the Inspector of Arms, Don Antonio Maria Trujillo.*

"I herewith send you this dispatch (or order) that the moment this comes to hand you will raise all the forces, together with all the inhabitants that are able to bear arms, connecting them also with persons in San Juan de Los Caballeros, by tomorrow, counting from the 22d day of the present month, and not later than eight o'clock in the morning.

"We have declared war with the American and it is now time that we all take our arms in our hands in defense of our abandoned country.

"You are held responsible for the execution of the above order.

"JUAN ANTONIO GARCIA,  
"Sor. So. Dn. Pedro Vigil."

The indictment against Trujillo, drawn by Frank P. Blair, then a prominent lawyer of Santa Fé, read as follows:

"UNITED STATES OF AMERICA, }  
"TERRITORY OF NEW MEXICO. } ss.

"In the United States District Court at the March term, 1847.

"The grand jurors for the district of New Mexico, on the part of the United States of America, on their oaths present that Antonio Maria Trujillo, of the county of Taos, in the Territory of New Mexico, being a citizen of the United States of America, but disregarding the duty of his allegiance to the government of the United States aforesaid, and wholly withdrawing the allegiance, duty and obedience which every true and faithful citizen of the said government and of right ought to bear toward the said government of the United States, on the 20th day of January, in the year 1847, and on divers other days, as well before as after, with force and arms, at the county aforesaid and territory aforesaid, together with divers other false traitors to the jurors aforesaid unknown, did then and there maliciously, wickedly and traitorously levy war against the government of the United States of America, and did then and there maliciously and traitorously endeavor and attempt to subvert the laws and constitution of the government, to the evil example of all others in like cases offending, and against the peace and dignity of the government of the United States. \* \* \*

Trujillo was tried before Judge Houghton and found guilty. The sentence imposed by the court is worthy of a place in this connection, being the only sentence of the kind passed in the history of New Mexico. According to the record filed March 16, 1847, by James M. Giddings, clerk of the district court, Judge Houghton addressed the convicted traitor as follows:

"Antonio Maria Trujillo.—A jury of twelve citizens, after a patient and careful investigation, pending which all the safeguards of the law, managed by able and indefatigable counsel, have been afforded you, have found you guilty of the high crime of treason. What have you to say why the sentence of death should not be pronounced against you?

"Your age and gray hairs have excited the sympathy of both the court and the jury. Yet while each and all were not only willing but anxious that you should have every advantage placed at your disposal that their highly responsible duty under the law to their country would permit, yet have you been found guilty of the crime alleged to your charge. It would appear that old age has not brought you wisdom nor purity nor honesty of heart. While holding out the hand of friendship to those whom circumstances have brought to rule over you, you have nourished bitterness and hatred in your heart. You have been found seconding the acts of a band of the most traitorous murderers that ever blackened with the recital of their deeds the annals of history.

"Not content with the peace and security in which you have lived under the present government, secure in all your personal rights as a citizen, in property, in person, and in your religion, you gave your name and influence to measures intended to effect universal murder and pillage, the overthrow of the government and one wide-spread scene of bloodshed in the land. For such foul crimes an enlightened and liberal jury have been compelled, from the evidence brought before them and by a sense of their stern but unmistakable duty, to find you guilty of treason against the government under which you are a citizen. And there only now remains to the court the painful duty of passing upon you the sentence of the law, which is that you be taken from hence to prison, there to remain until Friday, the 16th day of April next, and that at 2 o'clock in the afternoon of that day you be taken thence to the place of execution, and there be hanged by the neck till you are dead! dead! dead! And may the Almighty God have mercy on your soul."

Aloys Scheurich, now a retired citizen of Taos, New Mexico, was born in Unterfranken, Bavaria, Germany, May 12, 1836. In his youth he came to America, landing in New Orleans and thence going up the river to St. Louis, where, on the day of his arrival, May 16, 1853, at the

age of seventeen, he enlisted in the Third Regiment of Infantry, United States Army. A few days later, as sergeant, he left with his command for Fort Union, to which place they walked and where they remained till January or February, 1855, when they were transferred to Fort Massachusetts to participate in the war against the Utes and the Apaches. While having headquarters at the latter fort he and a company of soldiers went as far north as Saquache as escort for a government train of provisions. Late in the summer of 1855 their headquarters were changed from Fort Massachusetts to Cantonment Burgwin, in Taos county, where Mr. Scheurich remained until he was honorably discharged in 1858. He was mustered out as a corporal. Most of the time, however, he acted as commissary and quartermaster sergeant at Cantonment Burgwin.

From 1858 to 1868 his time was spent chiefly in freighting on the plains from Kansas City and Leavenworth to various points, and during this period he had frequent troubles with the Indians and made a narrow escape from being in the great fight at Walnut Creek, Kansas. All this time he was a close friend of the noted Kit Carson, attended him during his last illness at Fort Lyon in 1868, and when he died was the only one present, with the exception of Dr. Tilton of Philadelphia. It was Carson's request that Scheurich remain with him.

While in the army, in January, 1858, Mr. Scheurich bought a home in the south part of Taos, which has since been his residence, and during the period of ten years when he was engaged in freighting he was also interested in a general store in Taos, having as partner Charles L. Ritz, who conducted the business in his absence. Afterward he clerked for several years in different stores. He is now practically retired, giving some attention, however, to looking after his ranch near Taos, which he has owned since 1862 and where he raises grain and alfalfa.

Politically Mr. Scheurich is a Democrat and was for years a leader in local politics. The first office he filled was that of United States deputy collector of internal revenues, to which he was appointed by Charles Bloomer, collector at Santa Fé, under Lincoln, and which he soon afterward resigned, because he could not make collections. Late in the '80s he was elected county commissioner, to which he was several times re-elected, and served three full terms and two unexpired terms, all of which time he was chairman of the board and practically had control during that time of the government of the county.

May 31, 1865, Mr. Scheurich married Maria Teresina Bent, daughter of Charles Bent, first governor of New Mexico under American control, appointed by General Stephen W. Kearny. The children of this union are as follows: Charles A., who married Nellie Gabel of Leavenworth, is now a merchant of Santa Fé; Adelina Lena Agnes; Albert Bent, who married Annie James, a native of Berlin, Germany, is engaged in mining at Kelly, Socorro county; Dora, wife of J. Roval Berry of Taos; Mercedes, at home.

One of the celebrated and most widely known of the pioneers of the '30s was Richens Lacy Wootton, who was known throughout the southwest as "Dick Wootton," or "Dick Hooton," and during the later years of his life by the younger generation as "Uncle Dick." So closely identified was he with the early history of the Territory that an extended review of his life in New Mexico deserves a place in the annals of the Territory.

Born in Mecklenburg county, Virginia, on the 6th of May, 1816,

Richens W. Wootton was a son of David C. Wootton, and in his boyhood days was taken to Christian county, Kentucky. At the age of seventeen years he joined an uncle in Mississippi, working with him upon a cotton plantation until two years had passed, when, in 1836, he went to Independence, Missouri. At that time all the region lying between the Missouri river and New Mexico was known as Indian Territory. Ambitious traders and daring adventurers were beginning to establish trading posts at various points throughout the then comparatively unknown Mexican province. At Independence Mr. Wootton found a wagon train about ready to start for the trading post of Bent & St. Vrain, at Fort Bent, on the Arkansas—the most noted post in the west—and, applying for a position with the train, his services were accepted and he started on the long overland trip westward, a journey made with military precision in those days. From Fort Bent the party moved from one Indian village to another until reaching a point some distance north of Fort Laramie, in Wyoming, where they spent the winter of 1836-37. On this trip young Wootton gathered fully twenty-five thousand dollars' worth of furs, which he turned over to his employers at Fort Bent. In the fall of 1838 he started out on one of the longest trapping expeditions ever made by Americans, a journey that required nearly two years for its completion. With a party of nineteen he started for the "Oregon country," trapping through Colorado, Utah, Wyoming, Montana, Idaho and the valley of the Snake and Columbia rivers. They went as far north as Vancouver and returned through the district now known as Washington, Oregon, California, Arizona, Utah and Colorado. On this trip five members of the party met death at the hands of the Indians.

In the fall of 1840 Mr. Wootton visited Taos for the first time, and soon afterward took a contract to furnish the meat supply for Fort Bent, hunting buffaloes for this purpose, and finally established a buffalo farm, which he conducted successfully. This farm, which he started with about forty milch buffalo cows, was located on the site of the city of Pueblo. Many of the buffaloes which he raised were sold to showmen. In the winter of 1843-4 Mr. Wootton secured a license to trade with the Utes, and during the time that he continued in this business had many narrow escapes from death at the hands of the Indians. On one of his trading trips he was accompanied by the noted frontiersman, Bill Williams, afterward a guide for General Fremont. During this time he made numerous trips into New Mexico and became familiar with the country and its inhabitants. Jim Baker, who was one of Fremont's scouts, was one of his companions in many of his trapping expeditions. When the news of the Taos uprising, in which Governor Charles Bent, head of the firm of Bent & St. Vrain, and many other Americans were killed, reached Mr. Wootton at his home at Pueblo, he and his companions, five in number, started across the country to render the troops such aid as was possible. Joining the army, they assisted in the attack on the pueblo and the church. After the battle was ended Mr. Wootton acted as marshal in making arrests under military authority.

Soon after the battle at Taos he joined the command of Colonel A. W. Doniphan, in his famous expedition, to act as guide and scout. The expedition was headed for Chihuahua, but before reaching that city he was asked by Colonel Doniphan to carry some important dispatches to Santa Fé.

He made the trip alone, at his own request, reaching Albuquerque in nine days, and traveling as much as possible in the mountains, in order to escape being observed by unfriendly eyes. From Santa Fé he proceeded to Taos, where he remained for several years, taking an active interest in its affairs. While there he took a contract to furnish beef to the troops stationed there. In the winter of 1847, in company with Kit Carson, Thomas Tobin, Joaquin Leroux and others, he joined the command of Colonel Greer, and started on a punitive expedition against the Utes, who had killed a stage load of white people at Whetstone Springs. In the fight that followed the Indians murdered Mrs. White, wife of a wealthy Missouri farmer whom they had killed a day or two before. After this conflict Mr. Wootton returned to Taos and a little later set out to act as guide to a party organized to rescue from the Indians a party of which L. B. Maxwell was a member. In March, 1848, Mr. Wootton joined an expedition against the Navajos, acted as guide and traveling as far west as Arizona in the command of Colonel Newby. Upon the return of this party to Taos on the 4th of July, they learned that during their absence the treaty of Guadalupe Hidalgo had been signed, and thus the Mexican war was brought to an end.

Times were dull on the frontier for two or three years after the Mexican war, and for a while Mr. Wootton prospected in mineral wells. He and his companions had considerable trouble with the Indians, and he relates one incident where they were ambushed by the Utes, who had disguised themselves as a band of elk. During the winter of 1849-50 he traded with the Comanches for the first and last time, as he found the risk too great even to a man who loved adventure as he did. "The Comanches," he said, "never had even that small sense of honor which characterized the average western Indian. They never made a pledge or promise of any kind for which they had any regard whatever. When they made peace it was always for a purpose. It was either to save their own lives, when whipped and cornered, or to obtain something which they stood in need of, and every such peace was made to be broken at the very first opportunity that presented itself."

In 1851 Mr. Wootton made his first trip east to St. Louis after going to the west, going for the purpose of laying in a stock of merchandise. He made the journey on horseback in a trifle over seven days, on a wager which he had made with Colonel Greer that he would beat him into St. Louis. The following year he made his first trip to the Pacific coast. Near Watrous he gathered together nine thousand head of sheep and started out with twenty-two men, fourteen Mexican sheep herders and eight discharged soldiers and teamsters, relying upon the latter to protect life and property and the former to herd and drive the sheep, which he intended for the California market. The party experienced much trouble with the Indians, particularly with the very troublesome Utes, who made several efforts to deprive him of his band of sheep. He passed through Salt Lake City, where he met Benjamin Holliday, the famous fighter and stage owner, and also made the acquaintance of Brigham Young. The trip to Sacramento occupied one hundred and seven days, and he arrived with the loss of but one hundred sheep. On his return he traveled by way of San Francisco, thence by steamer to Los Angeles, and thence overland by way of San Bernardino, Fort Yuma, the state of Sonora, Mexico, Tucson, the Jornada del Muerto and the Rio Grande valley to Taos, reach-

ing home January 8, 1853, after a journey of thirty-three days from Los Angeles. He brought with him fourteen thousand dollars in gold and about thirty thousand dollars in drafts on St. Louis. In his memoirs Mr. Wootton says: "I don't know that people were any more honest in those days than they are now, but it is certain that there was a great deal less robbing and stealing going on. I have gone to sleep in a room where they kept a trunk full of silver dollars, and if it wouldn't sound like bragging I might tell you that I had done so a good many times myself, without ever dreaming of being robbed. I think the way we used to administer justice in those days had a great deal to do with the remarkable security of property. The fact is that stealing was not such a safe business in the early history of this country. There were no delays in the trial of cases, and no scoundrel ever escaped punishment on account of any error in the indictment or technicality of the law. We had just three grades of punishment for different classes of criminals. For minor offenses the punishment was thirty-nine lashes on the bare back of the offender. For the most serious offenses the punishment was death. Where the offender was a man whose criminal transactions could not be so clearly proven as to warrant the infliction of either the whipping or death penalty, but who was known to be a bad man generally, we notified him to leave the country, and he always found that the only safe thing to do was to go. We always had a jury, judge and counsel for the prosecution and defense. The judge would take his seat on a stump or log, or more frequently on the ground. Sometimes there were three members of a jury and sometimes a dozen or half a dozen. Our trials seldom lasted more than an hour or two, and the jury always brought in a verdict promptly. Sentence was then pronounced and promptly executed, no time being given for an appeal from the decision of the court. If whipping was the penalty to be inflicted, the rawhide was brought out, the culprit was tied to a tree or post, and some one of our number who was thought to have a sufficient development of muscle, gave him the stipulated number of lashes. If the judgment of the court was that capital punishment should be inflicted, two men were selected to act as executioners. Two rifles, one of which was loaded, were handed to them, and the affair was soon ended. It is possible that judgment in these cases may sometimes have been hasty and now and then a mistake may have been made."

After his return from California, although his family remained at Taos until 1854, Mr. Wootton spent most of his time at the old fort on the Arkansas river, called the Pueblo. Near the mouth of the Huerfano, on the Arkansas river, he built a fort of logs, where, in July, 1854, he brought his wife and children. There he was afterward attacked by the Utes, and probably his entire family would have been killed or captured had not the Arapahoes in turn attacked the Utes. This trouble occurred during what is known as the Pueblo massacre. Though he was successful in his ranching and his trading with the Indians, he found that it was "too tame an existence," and soon afterward, in 1856, he entered into partnership with Joseph Doyle for the freighting business from Kansas City to Fort Union, Albuquerque. While carrying government freight he made the acquaintance of many army officers, including General Albert Sidney Johnson, General E. R. S. Canby and General Henry H. Sibley. Once he narrowly escaped death in a meeting on the part of his Mexican teamsters, and

frequently had serious trouble with the Indians. His last trip, in 1858, was from Atchison to Salt Lake City, a distance of twelve hundred and twenty-five miles, and it required ninety-seven days to get through.

Upon his return from Utah, Mr. Wootton determined to go back to "the States" and spend the rest of his life. He got no farther than Denver, however. There he engaged in trading, temporarily as he believed, but so great was his success that he entered general merchandising on a larger scale and remained there until 1862, when he located on a ranch on the Fountain river, nine miles above Pueblo. He erected the first cabins in Pueblo, living in one and conducting a grocery store in the other, and in the meantime farming extensively on the Fountain river. He had long had in mind the building of a stage road through Raton Pass and conducting it as a toll road, and in the winter of 1865 he applied to the legislatures of Colorado and New Mexico for charters authorizing its construction and maintenance. These charters were granted, and the following spring Mr. Wootton moved his family to the Pass and began the construction of the road, building twenty-seven miles of turnpike, which was a part of the new Santa Fé trail. This was the first toll road in the southwest. The stage company, the military authorities and the American freighters gave him no trouble when it came to the question of paying the toll, and the Indians he allowed to pass free of charge, but the native Mexicans did not take kindly to the idea, looking upon the tollgate as a scheme for robbery; but the road was a financial success up to the time it was paralleled by the Santa Fé Railroad, when Mr. Wootton turned his business over to that corporation.

In this connection it is interesting to note that the Mexican majority in the territorial legislature, in response to the popular native demand for the free use of its noted toll road, twice endeavored by enactment to put an end to the collection of toll. On February 1, 1872, the legislature passed an act declaring that "Any charter which may be held by one Richard Wootton \* \* \* over any portion of the Trinidad and Raton Mountain road, running from Red river to the town of Trinidad in the Territory of Colorado, and passing by the house of said Richard Wootton, was not to be received as evidence of the existence nor as the charter of any corporation or company, and the said charter, or so-called charter, is hereby declared void and of no effect, and the said road is hereby declared to be a public road of this Territory and subject to the statutes concerning territorial or public roads." In spite of this legislation, Mr. Wootton continued to collect toll until the opening of the railroad in 1879, in defiance of the legislature, confidently feeling himself to be secure on account of the remoteness of the seat of government.

When the stage company began running its coaches through by way of Trinidad, the Wootton place was made a stage station with hotel accommodations, and the proprietor entertained guests of all stations in life from a vice-president of the United States down to stage robbers and horse thieves. The "knights of the road" would come by now and then, order a meal, eat it rapidly, pay for it and move on to the point where they had arranged to meet a stage that night. A daring and successful daylight robbery was perpetrated by two men when the east-bound stage was coming up the south side of the pass. That morning two well-dressed and somewhat refined looking young men, well mounted, rode up to the house and





ordered breakfast. Each had four pistols in his belt and a repeating rifle strapped to his side. They were courteous in their behavior and very polite to the waiters. When they had paid for their breakfast they rode leisurely up the mountain side. About half way down the New Mexican side of the mountain, where the canyon is very narrow and was then heavily wooded on both sides, they stopped and waited for the coach. When it appeared, lumbering up the road, they stepped suddenly from their ambush, one on each side of the horses' heads, and commanded the driver and the four passengers to hold up their hands. While one robber stood guard the other secured the valuables in the treasure box and from the persons of the travelers and at once disappeared. The men who planned and executed this robbery were "Chuckle-luck" and "Magpie." They were killed soon after this occurrence by a member of their own gang named Stuard, who was tempted to the act probably by the reward of one thousand dollars which had been offered. Stuard loaded the dead robbers into a wagon and took them to Cimarron, where he turned them over to the authorities and received the reward.

On one occasion there were at Wootton's place at the same time a notorious horse thief and murderer—a half-breed Cherokee Indian called "Chunk"—and a noted desperado named Porter Stockton, who was hunting the half-breed. Chunk was afterward killed at the Clifton House, five miles below the site of Raton, by Clay Allison, who was one of the most notorious desperadoes of his day on the frontier. The half-breed is supposed to have killed Allison's brother a short time before. The two met at the Clifton House, and after a halfday's quarreling, during which time each endeavored "to get the drop" on the other, they went to dinner together and cautiously sat down at the same table, facing each other. Allison laid his pistol beside his plate, while Chunk held his weapon at full cock in his lap. Barely had they become seated when the half-breed reached across the table and attempted to seize Allison's pistol with one hand, at the same time attempting to fire his own pistol with the other hand. According to Mr. Wootton's account, his pistol struck the table and was discharged without injuring his enemy, and before he could shoot again Allison blew his brains out. Another account is given elsewhere in this history. p 237

"Uncle Dick" Wootton spent all but two years of the remainder of his life at his home in Raton Pass. When his home was destroyed by fire in 1891, he removed to Trinidad, where his death occurred August 22, 1893. His wife was a daughter of Manuel Le Fevre, a French Canadian, who came to the southwest from St. Louis at an early date and became one of the best known traders in the country. She died in the fall of 1856, leaving four small children. Of these Richard L. Wootton, who is now engaged in the real estate business in Albuquerque, having for a partner Ben Myer, was born at Taos, in 1851, and is therefore one of the oldest native born English-speaking inhabitants of the Territory. During the early years of his life he accompanied his father, removing to Denver in 1858, and to Trinidad in 1866. From May, 1869, until 1872 he was engaged in the cattle business at the head of the Trinchero in Colfax county, and afterward in Trinidad. He served as under sheriff, sheriff and assessor of Las Animas county, Colorado, and was a representative in the Colorado state legislature from 1889 until 1894, having been elected on the Democratic ticket. During his term as sheriff he was called upon to take into custody

Clay Allison, a notorious desperado. From 1884 until 1900 he was engaged in the real estate business in Trinidad. In 1900 he engaged in the same business in El Paso, where he remained until March, 1905, with the exception of two and a half years, which he devoted to mining in old Mexico. In 1903 he was appointed chief of police of El Paso, serving for two years. Since the spring of 1905 he has been a resident of Albuquerque. He is an Odd Fellow, and was made a Mason in Trinidad, having attained the degree of Knight Templar.

## HISTORY OF TERRITORIAL ORGANIZATION

The period of quasi-military government in New Mexico did not cease with the end of the war. In fact, the position of New Mexico during the four years following the American occupation was so anomalous that while its citizens suffered comparatively little inconvenience by the absence of authoritative government, the solution of the problems raised by its presence in the American republic involved some of the most perplexing questions of the time and caused the name of the Territory to be tossed about with utmost familiarity by the greatest statesmen in the national capital.

The problems were not presented in an acute form until after the fruits of the war had been secured by treaty. The treaty of Guadalupe Hidalgo, by which peaceful relations were restored between Mexico and the United States, was dated at Guadalupe Hidalgo, February 2, 1848, was ratified by the president of the United States March 16, 1848, was exchanged at the city of Queretaro May 30, and proclaimed by the president on July 4.

Only a few of the treaty clauses bear importantly on the history of New Mexico. With respect to boundary, the line between Mexico and this country, after following the Rio Grande "to the point where it strikes the southern boundary of New Mexico," should continue "thence westwardly along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence northward along the line of New Mexico until it intersects the first branch of the River Gila. \* \* \* The southern and western limits of New Mexico mentioned in this article are those laid down in the map entitled 'Map of the United Mexican States, as organized and defined by various acts of the Congress of said Republic. \* \* \* Published at New York, 1847, by J. Disturnell.'" To designate the boundary "the two governments shall each appoint a commissioner and a surveyor," who were to begin their work within a year from the exchange of ratifications.

With regard to the status of the Mexican population of the ceded territory, the treaty provided that Mexicans "shall be free to continue where they now reside or to remove at any time to the Mexican republic. \* \* \* Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States." Also a guarantee of the inviolability of property belonging to Mexican citizens and a promise of all the rights under the constitutions to those electing American citizenship.

"In consideration of the extension acquired by the boundaries of the United States," our government paid the Mexican republic fifteen million

dollars, and furthermore engaged to assume and pay all the individual claims against the Mexican republic, which, it will be remembered, was a cause alleged in support of the war with Mexico. The fact that only a small per cent of these claims was adjudged worthy by the United States courts would indicate that they found a very flimsy basis for action in the first place.

The southern boundary of New Mexico was not definitely fixed for several years, and involved a great deal of controversy. The map mentioned in the treaty, and which was the basis for settlement, indicated a line extended westward from above El Paso to a distance of about one hundred and eighty miles, thence northward. The matter would have presented no difficulties had the point of beginning been properly marked; but the map showed El Paso some thirty minutes too far north and the river some two and a half degrees too far west. Each side yielded a point, the American commissioner consenting to placing the initial monument in latitude  $32^{\circ} 22'$  on the river, and the Mexican commissioner allowing the line to be extended one hundred and eighty miles west of the river.

It was two years after the signing of the treaty of Guadalupe Hidalgo before a stable government was provided for New Mexico and it became formally a territory of the Union. The military commanders of the department were the actual heads of the government. After the departure of General Price, the successors in the office were Colonel E. W. B. Newby in 1847 and Major B. L. Beall in 1848. Major John M. Washington took command in September, 1848, and in October, 1849, Colonel John Monroe assumed control.

When the treaty of peace was signed the military government ceased to exist, according to the view of one considerable party. But the authorities at Washington argued that the temporary government established during the war remained as a *de facto* government and should continue until Congress could provide a territorial organization. Congress was very slow to undertake the necessary measures, because the disposition of the ceded territory had at once become a matter of controversy between the northern and southern representatives in Congress. In the meantime the military régime continued to preserve law and order and afford protection to the Territory, while the politically active, eager to assume their part as a territory or state of the Union, made a number of fruitless attempts to form a civil government and secure its recognition in Washington.

Had not the politicians of the Territory fomented a discontent with the existing government and stirred up the people to what seems undue haste in the matter, there would be very little to record during this interregnum, while Congress was thrashing out the gravest problems of the nation in endeavoring to determine the proper status of the new acquisitions in the southwest. It is probable that the military régime was not unsatisfactory to the New Mexican people at large—that is, the Mexican and mixed classes—but to the restless Americans who had settled in the country under the protection of the new flag the idea of government under military auspices seemed intolerable, and political autonomy seemed the first and all-important thing to be striven for.

Senator Benton, who was one of the most ardent supporters in Congress of the civil government as opposed to the military régime, whose acts he declared null and void, counseled the New Mexicans "to meet in

convention, provide cheap and simple government, and take care of yourselves until Congress can provide for you." William Z. Angney, a lawyer, was a leader among the people in the advocacy of the measures proposed by Benton, and the agitation went on under direction from him and other politicians so strongly that the military commander, Major Washington, felt obliged to forbid the people from "participating in or being movers of seditious meetings."

In the fall of 1848 the movement passed its first phase in the call of a convention by Civil Governor Donaciano Vigil. The convention met on October 10th and organized by the election of Antonio Jose Martínez of Taos county as president and J. M. Giddings as clerk. The principal thing accomplished by this convention was the drawing up and forwarding to Senators Benton and Clayton of a memorial praying for territorial organization. This petition throws considerable light on subsequent movements of the period and is worth quoting for that reason. It follows:

"Petition to Congress of the people of New Mexico by representatives in convention assembled:

"We, the people of New Mexico, respectfully petition Congress for the speedy organization of a territorial civil government.

"We respectfully petition Congress to establish a government purely civil in its character.

"We respectfully represent that the organic and statute law promulgated under military orders of September 22, 1846, with some alterations, would be acceptable.

"We desire that the following offices be filled by appointment of the President, by and with the advice and consent of the Senate: The Governor, Secretary of State, Judges, United States Attorney and United States Marshal.

"We desire to have all the usual rights of appeal from the courts of the Territory to the Supreme Court of the United States.

"We respectfully but firmly protest against the dismemberment of our territory in favor of Texas or from any cause.

"We do not desire to have domestic slavery within our borders; and until the time shall arrive for admission into the union of states we desire to be protected by Congress against the introduction of slaves into the territory.

"We desire a local legislature, such as is prescribed by the laws of New Mexico, Sept. 22, 1846, subject to the usual veto of Congress.

"We desire that our interests be represented by a delegate admitted to a seat in Congress.

"Considering that New Mexico has a population of from 75,000 to 100,000, we believe our request to be reasonable, and we confidently rely upon Congress to provide New Mexico with laws as liberal as those enjoyed by any of the territories.

(Signed)

"Antonio J. Martinez,

"Elias P. West,

"Juan Perea,

"Antonio Sais,

"Santiago Archuleta,

"James Quinn,

"Manuel A. Otero,

"Santa Fé, October 14, 1848."

Donaciano Vigil,

Francisco Sarracino,

Gregorio Vigil,

Ramon Luna,

Charles Beaubien,

Jose Pley.

This memorial accomplished nothing at Washington, except to add to the almost endless discussion over the status of the southwest territory. One difficulty in the way of the New Mexicans obtaining their just dues before Congress was the fact that they must rely on the favor of such advocates as they might find in Congress. The lack of territorial organization deprived them of a delegate representative, and those directing the political affairs of the Territory felt that the election of such a dele-

gate was the most important step toward obtaining the object of their desires.

Accordingly, in obedience to the wishes of the people, Colonel Beall, acting governor during Major Washington's absence, issued a proclamation for the assembling of another convention, which met at Santa Fé in September, 1849. Besides adopting a plan of territorial government and urging its adoption by Congress, as had been done by the memorial of the previous year, this convention elected Hugh N. Smith as delegate to Congress, whose office was to press the needs and wishes of New Mexico upon Congress until some relief was found. The petition of this year, quite strangely, makes no protests against slavery or the claims of Texas. Delegate Smith set off for Washington, but in July, 1850, the house, by a vote of 92 to 86, refused him admission.

The continued delay of Congress gave time for the political ferment of New Mexico to find another vent. W. W. H. Davis, who in his description of this period was writing of almost contemporary events, says: "About this time two opposite parties sprang up, one in favor of a state and the other of a territorial government, which engendered a deal of excitement and ill feeling. Several large public meetings were held by the respective parties at Santa Fé. \* \* \* The agitation of a question of state government originated with the national administration. \* \* \* In the spring of 1849 James S. Calhoun went to New Mexico as Indian agent, but upon his arrival he declared that he had secret instructions from the government at Washington to induce the people to form a state government. For a time the plan received little support, but in the course of the summer and fall an excitement was raised, and both parties, state and territorial, published addresses to the people, the former being headed by Calhoun, Alvarez and Pillans, and the latter by St. Vrain, Houghton, Beaubien and others. The matter continued to be discussed without much effect in favor of the state until the spring of 1850, when Colonel George A. McCall arrived from the States upon a like mission as Calhoun. He informed the people that no territorial government would be granted by Congress and that President Taylor was determined that New Mexico should be erected into a state government, in order to settle the question of slavery and also that of the boundary with Texas. The delegate in Congress, Mr. Smith, wrote home to the same effect."

Doubtless the case was not so broad and simple as Colonel McCall stated it and desired to have the people believe. Certainly there was a considerable number of congressmen who desired that the southwest country should be erected into states at the earliest possible moment, since one of the reasons for the acquisition of this territory had been the extension of slavery limits, so that the balance between north and south might be maintained. Perhaps the administration, too, favored the speedy organization of New Mexico as a state, but the opposition in Congress and among the people was as yet too strong for this statehood movement to have anything like a general support. McCall's assertions and actions in this matter were probably based on the instructions given him on starting for New Mexico, and it will be instructive to quote some passages from Secretary of War Crawford's communication with him.

"Since their annexation," states the secretary, "these territories, in respect to their civil government, have in great measure depended on the

officers of the army there in command. \* \* \* This condition has arisen from the omission of Congress to provide suitable governments, and in regard to the future there is reason to believe that the difficulties of the past are still to be encountered. \* \* \* It is not doubted that the people of New Mexico desire and want a government organized. \* \* \* The question readily recurs, how can that government be supplied? I have already adverted to past and still existing difficulties that have retarded and may continue to retard the action of the United States in respect to this necessary and first want. To remove it may, in some degree, be the part of the duty of officers of the army, on whom, under the necessities of the case, has been devolved a partial participation in civil affairs. It is, therefore, deemed proper that I should say that it is not believed that the people of New Mexico are required to await the movements of the federal government in relation to a plan of government for the regulation of their own internal concerns. The constitution of the United States and the late treaty with Mexico guarantee their admission into the union of states, subject only to the judgment of Congress. Should the people of New Mexico wish to take any steps toward this object, \* \* \* it will be your duty, and the duty of others with whom you are associated, not to thwart but to advance their wishes. It is their right to appear before Congress and ask for admission into the Union."

The two parties, those favoring territorial and those favoring a state government, were now brought together in the advocacy of the state government. Resolutions to that effect having been adopted at a meeting in Santa Fé, April 20, 1850, Colonel Monroe, military governor, issued a proclamation calling for election of delegates who were to meet in convention May 15th. At this convention, whose president was James H. Quinn, a constitution for the state of New Mexico was framed. Three days after adjournment Colonel Monroe issued a proclamation calling for a popular election on the adoption of this constitution, and also to choose state and national officers, whose official authority should be valid as soon as the state government was recognized by Congress.

The election was held on June 20th. Henry Connelly and Manuel Alvarez were elected governor and lieutenant governor over Vaca and St. Vrain, and William S. Messervy was chosen representative in Congress. The vote on the constitution was overwhelmingly in favor of its adoption, as will be seen from the following tabulation of the vote:

	For	Against
Taos County .....	1,339	35
Rio Arriba County .....	0	0
San Miguel County .....	203	0
Santa Ana County .....	1,146	0
Bernalillo County .....	1,504	1
Valencia County .....	2,008	1
Santa Fé County .....	571	2
	<hr/> 6,771	<hr/> 39

Between the holding of the convention of May 15-25, 1850, for framing a constitution for the proposed state of New Mexico and the passage by Congress of the organic act for the government of the Territory of New Mexico on September 9, 1850, the *de facto* government, headed by the commander of the military, and the civil government, represented by

Lieutenant Governor Manuel Alvarez, were thoroughly at variance in view of their respective prerogatives and powers. The fact that no serious complications or actual hostilities arose from this contention doubtless proves that its mainspring was not in the people themselves, but was largely a factional rivalry among politicians seeking control. Each side was firmly convinced in its stand and equally opposed to the other side obtaining control. Colonel John Monroe, commanding the ninth military department, and really acting governor, stated in a letter to his superior officer, after reciting the serious state of political affairs, owing to the eagerness of the newly elected official of the state government to obtain possession of the civil offices before the sanction of Congress, that in his judgment the people as a whole have evinced little desire and taken little part in the movement; that "opinions have been prepared for them (the people) by those having no ties binding them to the Territory, except the possession and expectation of office. \* \* \* Those persons well understand the unstable elements of the Mexican character, the general ignorance of the people, their manifest dislike (although latent) to Americans, and the strong sympathies a large number entertain for Mexican institutions and its government as opposed to that of the United States; yet, with this knowledge, they have preserved a course, understandingly, from which, sooner or later, disagreeable consequences will undoubtedly arise."

The overwhelming majority of votes cast in favor of the state constitution, however, fails to verify Monroe's judgment that the movement was superficial.

Colonel Monroe, in his proclamation directing that a vote be taken on the state constitution and for election of state officers and representatives in Congress, had stated, as "provided and understood that all action of the governor, lieutenant governor and of the legislature shall remain inoperative until New Mexico be admitted as a state under said constitution, \* \* \* (and) the present government shall remain in full force until, by action of Congress, another shall be substituted."

In this position, disregarding all acts of the state government until confirmation of its existence should be given by Congress, Colonel Monroe persisted, and held himself justified in assuming all the duties and responsibilities of "civil and military governor, Territory of New Mexico," and in enforcing his authority "with all the means at my disposal."

Governor Alvarez, on the other hand, strenuously asserted the legality of the constitutional convention and election of officers, and argued the question on broad grounds. He held "that it has never been pretended, even by the president of the United States, that he had any authority to make a government for us or to insist that we should observe the one left to us on the termination of the war," then, quoting President Polk's message of December 5, 1848, with reference to New Mexico and California:

"Since that time (13th of May) the limited power possessed by the executive has been exercised to preserve and protect them from the inevitable consequences of a state of anarchy. The only government which remains was that established by the military authority during the war. Regarding this to be a *de facto* government, and that by the presumed consent of the inhabitants it might be continued temporarily, they were advised to



conform and submit to it for a short intervening period before Congress would again assemble and legislate on the subject."

From other presidential messages he quotes to prove that the military regulations established during the war were superseded on the return of peace. "That the commanding officer of the ninth military department has exercised the functions of a civil governor has arisen solely from the *consent* of the people. That consent is now withdrawn. The people have amicably proceeded to the full organization of a civil polity. Until the national Congress shall undo it, or refuse to sanction it, by the law of nations and the right of states it will remain our only legitimate government."

The state legislature, elected in June, met, according to previous order, in regular session in the following July, the only session of a state legislature yet recorded in the history of New Mexico. In a letter of July 12th to Colonel Monroe, Governor Alvarez states the situation: "We now occupy the position of two governments, each claiming to be the true and legitimate one. While you force the issue on the people and volunteer yourself and your military power in opposition to the will of an admitted majority, the civil power recognized by the people will be respected by them and will proceed peacefully, and with an earnest zeal to promote the common welfare, to perfect and make effective the state organization."

It will be of interest to record the acts passed at the unofficial session of the New Mexico legislature. They were:

1. To procure a state seal.
2. To erect the county of Socorro.
3. To take census in 1852.
4. To regulate elections (of alcaides, sheriffs, etc.).
5. To regulate election of United States senators.
6. Memorial to Congress.
7. Joint resolutions in regard to Governor Monroe's letter to Lieutenant Governor Alvarez, and recommending that the state government be carried immediately into effect.

Also United States senators were elected, one of whom received his credentials.

The strained relations between the civil and military governments came to an end by the congressional act establishing a territory and organizing its scheme of government. Secretary of War Conrad, in a letter to Colonel Monroe, dated September 10, 1850, says:

"The president has learned with regret that any misunderstanding should exist, \* \* \* and hastens to relieve you from the embarrassment in which this misunderstanding has placed you. I have now the pleasure to inform you that Congress has at length passed a law providing for the establishment of a territorial government in New Mexico. The president will proceed with the least possible delay to organize the government, and as soon as it goes into operation all controversy as to what is the proper government of New Mexico must be at an end, and the anomalous state of things which now exists there will be determined."

Of the complication of political principles and expedients involved in fixing the status of the territory acquired from Mexico, whether as slave or free soil, very little need be said. The great national question of the time affected New Mexico during the '40s in the same manner as it af-

fect California. The records of Congress during the period are filled with speeches dealing with the status of California and other territory acquired at the same time. But while California came into the Union as a free state, an event that was significant in the political contest then rising to a climax, New Mexico was made a territory and its influence in national affairs made inoperative. In two ways, however, the slavery struggle is reflected in the history of New Mexico.

The first may be briefly stated. It was the persistent controversy and struggle over slavery in the halls of Congress that delayed the determination of New Mexico's anomalous position, partly under civil and partly under military rule. The compromise measures which resulted in the admission of California as a free state, and left the question of slavery to be determined by the territories for themselves, were soon followed by the organic act by which New Mexico passed from military to civil government.

The other point to be made refers to the Texas-New Mexico boundary. The complex nature of this dispute, involving, as it did, before final settlement, many considerations apparently remote, is perhaps best stated in the words of a contemporary writer of the period. After referring to the failure of Texas to determine her western boundary, he observes: "A portion of the disputed ground, the tract lying between the Nueces and the Rio Grande, as it is of little value to either claimant, and can never support a population large enough to support a state by itself, will probably be abandoned to Texas without controversy. Not so with the Santa Fé district and the other portions of New Mexico lying on the east bank of the upper Rio Grande. The native inhabitants of this region cherish sentiments of bitter hostility towards the Texans, who now threaten to extend their disputed dominion over them by force. A border warfare must ensue if Congress does not intervene. Slavery cannot be introduced into this region, which is too elevated, too barren, and situated too far north to recompense any other than free labor; but if the laws of Texas are extended over it, it becomes a portion of a slave state, and whatever political power it may subsequently obtain will be lost to the cause of freedom. Both humanity and policy require, therefore, that the north should submit to any reasonable sacrifice for the purpose of severing this region from Texas and adding it to the free Territory of New Mexico. Now, by the terms of the proposed compromise the sacrifice required is a very trifling one. Texas is willing to sell her claim to the disputed region for what she calls a fair price—a few millions of dollars; and the United States are bound in equity to cause the creditors of Texas to be paid a sum at least equal to this price, because the revenue from the customs of Texas, which is now paid into our national treasury, was formally and solemnly pledged to these creditors as a security for their debt. Having taken away the security, our government is bound to see that the debt is paid, and it can be paid with the price of the claim to the disputed region. The south makes no objection to this arrangement; Texas, as we have said, consents to it, and the north ought to be satisfied with it, because, first, it will preserve the national faith, and, secondly, it will rescue a large tract of country from the dominion of a slave state, and by joining it to New Mexico add it to the 'area of freedom.'"

The compromises outlined above were portions of the great compromise measures, under the authorship of the venerable Henry Clay, which afforded

the last breathing spell for the two sections of the nation hurrying on to the inevitable conflict. The great battle had reached its height at Washington early in 1850, and under the leadership of Mr. Clay the opposing elements were brought together on the compromise measures which were enacted into law the following September.

The essential points of the compromise were as follows: The admission of California as a free state. The organization of two new territories—Utah, including Nevada, and New Mexico, including Arizona—without the Wilmot proviso; that is, with no conditions prohibiting slavery. The slave trade was abolished in the District of Columbia, and, in return, a stringent law was passed for the arrest of fugitive slaves in northern states.

Involved in the settlement was the provision that Texas should be paid \$10,000,000 in return for surrendering her claim to the territory east of the upper Rio Grande. The organic law of the new Territory made the following provisions as to boundaries:

The state of Texas will agree that the boundary on the north shall commence at the point at which the meridian of one hundred degrees west of Greenwich is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and shall run from said point due west to the meridian of one hundred and three degrees west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude, thence on the said parallel of thirty-two degrees of north latitude to the Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico.

The boundaries of the new Territory of New Mexico were defined as follows:

Beginning at the point in the Colorado river where the boundary line with the Republic of Mexico crosses the same; thence eastwardly with the said boundary line to the Rio Grande; thence following the main channel of said river to the parallel of the thirty-second degree of north latitude; thence east with said degree to its intersection with the one hundred and third degree of latitude west of Greenwich; thence north with said degree of longitude to the parallel of thirty-eighth degree of north latitude; thence west with said parallel to the summit of the Sierra Madre; thence south with the crest of said mountains to the thirty-seventh parallel of north latitude; thence west with said parallel, to its intersection with the boundary line of the State of California; thence with said boundary line to the place of beginning.

The executive power of the Territory was vested in a governor, who should hold office for four years. Provision was also made for the appointment of a secretary of the Territory, and a legislative assembly, consisting of a council and a house of representatives, the council to consist of thirteen members and the house of twenty-six members. All white males above the age of twenty-one years who were residents of the Territory at the time of the passage of the act were granted the right of franchise, as well as "those recognized as citizens by the treaty with the republic of Mexico, concluded February 2, 1848," known as the treaty of Guadalupe Hidalgo. The Territory was subdivided into counties, towns and districts. The judicial power was vested in a supreme court, district courts, probate courts and justices of the peace, and the first supreme court consisted of a chief justice and two associate justices. The Territory was divided into three judicial districts. Provision was also made for the appointment of an

attorney and a marshal, and the election of a delegate to the Congress of the United States.

With the appointment, under the provisions of the organic act of September 9, 1850, of the officials named in that act, the territorial government of New Mexico came into existence. James S. Calhoun, already mentioned as Indian agent, was appointed the first governor, and was inaugurated March 3, 1851. The first delegate in Congress was Richard H. Weightman. The other officials for the year, and also those for subsequent years, will be found in the official records that form a part of this work. The first legislative assembly was elected by order of the governor, and convened for its first session at Santa Fé, June 2, 1851. The majority of the members being native New Mexicans, the proceedings were carried on in the Spanish language, although the acts and records were printed in both languages, and an interpreter was employed.

In fact, the first act passed by the first legislature was one "establishing the office of translator for the Territory of New Mexico," and provided that such officer should furnish translations of all public documents from Spanish into English and *vice versa*, when called upon to do so by the legislative assembly or the executive department, and his salary was fixed at two thousand dollars per annum, with an assistant at three dollars per day. By the second act the pay of chief clerks of the assembly was fixed at four dollars per day, and that of other employes at three dollars per day.

At this session the act incorporating the City of Santa Fé was also passed, but repealed at the next session. This legislature also divided the Territory into three judicial districts, as follows:

First district:—Counties of Santa Fé, San Miguel and Santa Ana;

Second district:—Counties of Taos and Rio Arriba;

Third district:—Counties of Bernalillo, Valencia, Socorro and Dona Ana.

The first territorial militia was organized by the legislature in 1851. The law provided that every free white male inhabitant of the Territory over eighteen and under forty-five years of age, who was not disabled by bodily infirmity, should constitute the militia of the Territory; but exempting priests, ministers and teachers in religious denominations. The militia was divided into three divisions, each commanded by a major-general, whose staff consisted of a division inspector, with the rank of lieutenant-colonel, a quartermaster and two aids, each with the rank of major. The first, or northern division, included Taos and Rio Arriba counties; the second or central division comprised Santa Fé and "San Miguel el Bado" counties; the third or southern division comprised Santa Ana, Bernalillo, Valencia, Socorro and that portion of the territory lying south of the Jornada del Muerto. Each division was divided into brigades, regiments and companies.

By act approved January 9, 1852, it was provided that "there shall be allowed at the county seat of each county in the Territory one or more gambling houses," and the license fee was fixed at "six hundred round dollars." There were some restrictions placed upon gaming in those days, the law referred to prohibiting "winning or losing money or property" at any game of monte, faro, tenpins, dice or roulette, and betting on the results of federal or territorial elections.

Indian hostility was a constant menace to the welfare of the Territory.

The treaty of 1848 had guaranteed protection from Indians to the population of the ceded territory, but it was found very difficult to subjugate the tribes. Indian hostility and the wishes of the people are described in the following extracts from a joint resolution of the legislature in 1852:

"Whereas, since the entrance of the American army, under General Kearny, this Territory has been a continual scene of outrage, robbery and violence, carried on by the savage nations by which it is surrounded; and,

"Whereas, Our citizens, both native and adopted, are daily massacred before our eyes, our stock driven from our fields, our property taken from our dwellings, our wives and daughters violated, and our children carried into captivity; and,

"Whereas, The presence of the powerful and well-armed tribes of the Utahs, Kiaways, Shienes, and Jickarias, on the north; the Comanches and Pawnees on the east and southeast; the Mescaleros on the south; and the Gila and Coita Apaches and Navajos, on the west and southwest, render it impossible for our citizens, unarmed (and) impoverished as they are, to resist, avert, or prevent these evils; and,

"Whereas, It is our firm opinion, founded on long experience, that the nations above alluded to, can only be brought to a permanent peace, and the Territory to a state of security, by forcible measures, which owing to the peculiar character of our country, its mountainous aspect, and its natural fastnesses, can only be carried out effectually against them by our own citizens, who are acquainted with their retreats and mode of warfare; and,

"Whereas, Our only hope and dependence for protection and relief is in the power and liberality of the government of the United States.

"Now, therefore, Resolved \* \* \*

"First. That our delegate in Congress is hereby required and instructed to represent in the most forcible manner, to the Congress of the United States, the facts stated in the preamble to these resolutions.

"Second. That he be also instructed to use every exertion in his power to procure the passage of a law providing for the raising of at least two volunteer regiments in this territory, for the period of one year or more, to be armed, equipped, subsisted, and paid by the general government." \* \* \*

The government, though unable to carry out a plan which would exterminate the hostile tribes—which object was not desired—or which would hold them on reservations at government expense, did establish a number of military posts in New Mexico and contiguous territory and for a number of years maintained a force of several thousand soldiers in the southwest.

Fort Union, in Mora county, was established by Colonel Sumner in 1851, and the founding of Fort Marcy at Santa Fé has been described in connection with the Kearny occupation. In 1851 the troops along the southern border were located at Socorro, Doña Ana, El Paso and San Elizario. But in that year Colonel Sumner concentrated them at Fort Conrad—later called Fort Craig—near Val Verde, and at Fort Fillmore, forty miles above El Paso. Fort Fillmore was abandoned about 1860, despite the protests of citizens of Doña Ana county. A post was established among the Navajos in 1851, and from 1852 was known as Fort Defiance, situated just across the line in Arizona. Fort Stanton, on the Rio Bonito, and Fort Bliss, near El Paso, were established about 1855. Other forts of the fifties were Fort Thorne, at the upper end of Mesilla valley, and Old Fort Wingate. In 1862 Fort Wingate was established on the Gallo; Fort Sumner at Bosque Redondo, on the Pecos, and Fort West at Pinos Altos.

From these posts the soldiers were kept in almost constant motion by the raids that continued with diminishing frequency for thirty years. The motives of the raiders were plunder or revenge, and hence there is no system by which the depredations may be classified. Each outbreak had no connection with any other, and only a general view could be presented

of the subject without the inclusion of numberless details that would be out of place in this narrative.

The commanders of the military forces in New Mexico from the time of territorial organization were as follows: 1851, Colonel John Monroe; 1851-2, Colonel E. V. Sumner; 1852-4, Colonel Thomas J. Fauntleroy; 1854-8, General John Garland; 1858-9, Colonel B. L. E. Bonneville; 1859-60, Colonel Fauntleroy; 1860-1, Colonel W. H. Loring; 1861-2, Lieutenant-Colonel E. R. S. Canby; 1862-6, General James H. Carleton; 1867, General George Sykes; 1867-71, General George W. Getty; 1871-3, General Gordon Granger; 1873-4, General J. I. Gregg; 1874-5, General T. C. Devin; 1875-6, General Granger; 1876, General J. F. Wade; 1876-81, General Edward Hatch; 1881, General Luther P. Bradley; 1881-3, General R. S. Mackenzie.

The gradual pacification of the Indians and the increased population and civilization have marked the passing of the military régime. One by one nearly all the old forts have been abandoned, or their barracks and land reserves have been converted to sanatoria or other objects of peace. Fort Stanton, in Lincoln county, one of the last posts to be abandoned, has been turned into a sanitarium for treatment of tuberculosis among the marine service.

#### THE GADSDEN PURCHASE.

As already stated, the southern boundary of New Mexico was not fixed without difficulty. The people of New Mexico and the United States government were not satisfied with the point  $32^{\circ} 22'$  as the latitude of the international boundary. For the first four years of New Mexico's territorial existence her southern boundary west of the Rio Grande followed roughly a line passing through the present towns of Las Cruces, Deming and Lordsburg, and in Arizona the line followed the Gila river. There were many objections to this boundary.

In the first place, it was urged that the American commissioner had yielded too much, and should have maintained the boundary point on  $31^{\circ} 54'$ . Also, even at that time it was seen that the overland rail route must pass south of the Gila and largely through the country that according to the results of the treaty lay in Mexico. With the boundary at  $32^{\circ} 22'$ , moreover, the fertile Mesilla valley lay in Mexico, although it was claimed by New Mexicans.

With these points prominent, it was felt that a new treaty was necessary to settle the matters left indefinite by the treaty of Guadalupe Hidalgo. James Gadsden was at the time minister to Mexico, and negotiated the treaty with the Mexican ministers, so that his name has usually been affixed to the chief result of the treaty—the "Gadsden Purchase."

The Gadsden treaty, concluded December 30, 1853, ratified at Washington, June 30, 1854, between the governments of the United States and Mexico, professedly was undertaken to remove all differences between the two governments because of various interpretations of the boundary as defined in the treaty of Guadalupe Hidalgo.

Retaining the same dividing line between the Californias as laid down in the treaty of 1848, the new treaty defines the international line as the Rio Grande river from its mouth "to the point where the parallel of  $31^{\circ} 47'$  north latitude crosses the same; thence due west one hundred miles; thence

south to the parallel of  $31^{\circ} 20'$  north latitude; thence along the said parallel of  $31^{\circ} 20'$  to the one hundred and eleventh meridian of longitude; thence in a straight line to a point on the Colorado river twenty English miles below the junction of the Gila and Colorado rivers; thence up the middle of said river Colorado till it intersects the present line between the United States and Mexico."

This cession of land was really a purchase, for "in consideration of the foregoing stipulations the government of the United States agrees to pay to the government of Mexico \* \* \* the sum of ten million dollars."

William H. Emory was the United States commissioner and surveyor to establish the new boundary line, and the Mexican commissioner was Jose Salazar Ilarregui. The survey began in January, 1855, and proceeded with most harmonious relations between the commissioners until completed in the following August. The boundary was laid down according to the treaty, and follows the line that has ever since remained the southern boundary of New Mexico and Arizona.

It will be remembered that the New Mexico territory as organized in 1850 included substantially the New Mexico and Arizona of later years, with a small part of Colorado. The eastern boundary was the one hundred and third meridian, as at present, but it extended north to the thirty-eighth parallel, the extreme northeastern corner of the original Territory being about the location of the town of Las Animas, Colo. The north line extended from that point west to the crest of the Sierra Madre, and then south to the thirty-seventh parallel, as at present.

The land acquired by the Gadsden purchase was at first attached to Doña Ana county, the remainder of the Arizona country being nominally divided into the same counties as the western part of New Mexico, their western boundaries being merely extended to California. The settlers of Arizona kept up a continual agitation for the organization of a new territory, but it was not until the 24th of February, 1863, that Congress finally granted their wish. According to the measure which on that date became law, all of New Mexico west of the one hundred and ninth meridian was organized into the new Territory of Arizona, this including, also, that part of the Gadsden purchase which lay west of the same meridian. The block of territory, one degree wide, lying above latitude  $37^{\circ}$  was attached to Colorado in 1867. These changes reduced New Mexico to the limits that bound her at the present time.

This process of boundary change and the carving of new territories has been cleverly stated by John W. Knaebel, an eminent attorney, in an address before the New Mexico Bar Association in 1904. He was quoted as follows:

"It would be curious to speculate on what would have resulted in the course of years had our government yielded to the claims of Texas and, instead of paying her \$10,000,000, had, in 1850, relinquished to that state eastern New Mexico, including Albuquerque, Santa Fé, Las Vegas, Taos and the sites of the present Trinidad, La Junta and other Colorado cities and towns. Then perhaps Socorro would have become the seat of government for the remnant left, and Arizona would never have come into being as a separate territory. But enterprising men from the Pacific and Atlantic coasts pushed their search for gold, silver and copper, as well as for commercial opportunities, into southwestern New Mexico. They discovered

and worked valuable mines. They were annoyed and disgusted by the want of railroads and telegraph lines and the consequent tediousness of communication with the seat of government at Santa Fé, and, moreover, they were not content with the numerical superiority of the native vote. So they stirred up Congress to carve a new territory out of New Mexico, and Congress (always omnipotent in territorial affairs) thereupon created in 1863 the present Territory of Arizona. The same kind of American influences had already been at work in the northwest part of the Mexican cession. Valuable silver mines had been discovered and worked by American pioneers, and they were ambitious for self government. Their efforts led in 1861 to the organization of the Territory of Nevada, and within three years afterward to the admission of that territory to the Union as a state. The golden apple of New Mexico was gnawed again in 1867, when all of her territory lying north of the thirty-seventh parallel was taken away and given to the new Territory of Colorado. Residents of New Mexico thus found their homes moved by the magic art of Congress from New Mexico to Colorado, and it is for them to say whether or not they have found the exaltation and increased liberties of their new political life resulting from the statehood granted to Colorado in the centennial year a blessing or a curse."



## CIVIL WAR PERIOD

Fifteen years after General Kearny had effected the conquest of New Mexico, the Territory was compelled to withstand the shocks of civil war and become the battle ground of the contending armies of the north and south. Though the valley of the Rio Grande became one of the arenas of the rebellion, and the battles of Val Verde and Glorieta have a permanent place in New Mexican annals, nevertheless it is noteworthy that of all the states north or south that furnished battlefields for the war, New Mexico was the least vitally interested of them all. Hundreds of volunteers went from the Territory to the armies of both sections, especially to the defense of the Union, and the Confederate invasion in 1861 brought the realities of war very near to the people. Yet on the question of slavery and its attendant conditions New Mexico could occupy a position as neutral as any state or territory in the Union. Negro slavery was practically unknown here: Peonage and Indian slavery were survivals from the Mexican régime, but confined to the Mexican part of the population and were rapidly being eliminated from the customs and laws. The geographical position of New Mexico was such that her interest and share in the national questions then agitating the nation were small. And, furthermore, the larger proportion of the population having only recently transferred their allegiance to the American government, could not be supposed to possess the ardent loyalty that would be found in older states.

It will be remembered that one of the reasons for the conquest of the southwest was the desire and enterprise of the southern leaders in extending the area of slave territory. The Mexican cession of 1848 was attached to the Union under southern auspices, as it were, and certainly some of the far-sighted statesmen of the south must have looked forward to a time when the new acquisitions would form an extension of slave-holding territory to the Pacific coast. But omitting the plans of southern leaders before the war and the failure of any attempts, if such were really made, to push the domain of slavery into New Mexico, it is certain that as soon as war was actually declared the occupation of New Mexico and California became a matter of moment to the Confederate generals and statesmen. The energy of the north in blockading the entire southern coast line early caused the southern government some anxiety to gain a free outlet to the west. Already the forces of political manipulation and intrigue had been utilized by the northern and southern sympathizers to retain in the Union or force into the Confederacy such doubtful states as Kentucky, Missouri, Kansas and the new western territories. Southern California was strongly counted on to declare for the Confederacy, and by dominating Arizona and New Mexico the power of the south would extend from ocean to ocean. Had not Union sentiment, when the test came, proved strong enough throughout the western country to more than overcome the southern movement for secession, there is no doubt that the course of the war would have

been different and that the strength of the Confederacy would have been increased with results that can hardly be computed.

It was in view of the failure of the political movement to annex the southwestern country to the Confederate cause, and with a proper estimation of the strategic importance of controlling this region, that early in 1861 an expedition was planned for the occupation and conquest of New Mexico and Arizona. Such an expedition, in the words of a southerner who advised it, would relieve Texas, open communication to the Pacific, and break the line of operations designed to circumvallate the south." The assistance of the Navajos and Apaches was also counted upon to oppose the Union, the assertion being confidently made that "one regiment of Indians would inspire more wholesome terror in the New Mexican population than an army of Americans."

It was also believed that the presence of the Confederate army would draw the southern people from Colorado, Kansas and elsewhere to an active participation in the war.

It is evident that considerable secession sentiment existed in New Mexico among the army officers and several centers where the southern settlers were strong. It is stated that Colonel W. H. Loring, commanding the troops at Fort Fillmore, was a southern sympathizer, and attempted to attach the New Mexican troops to the Confederate cause; and that his plans were checked by Lieutenant-Colonel B. S. Roberts, who later led the Union forces at Val Verde. Loring's disloyalty is shown by his published correspondence with H. H. Sibley, the commander of the Texas expedition. The soldiers in New Mexico were almost without exception loyal to the Union, but many of the officers adhered to the Confederacy, and when the time came gave their active support to its armies. Loring tendered his resignation May 13, 1861, and Captain Garland, at Las Cruces, deserted his command in July and joined the Confederates at Fort Bliss. La Mesilla was one of the towns where southern sentiment was dominant. In the first year of the war the secession flag was flying and Union men were warned to leave town. The *Mesilla Times*, the editor of which, Kelly, was killed in a street fight by Colonel Baylor, was a pronounced Confederate organ. The southern sympathizers at this place went so far as to hold a convention and organize a Confederate territorial government for what they called Arizona. The Mexican population, as a rule, were loyal, but their views were latent.

The New Mexican campaign was well under way by the summer of 1861, and two small armies, recruited on Texas soil and mostly from Texas volunteers, invaded the Territory before the close of the year.

During the month of July, 1861, Lieutenant Colonel John R. Baylor, commanding the Second Texas Mounted Rifles, arrived at Fort Bliss, or Franklin, as it was then called, near El Paso, with about three hundred men. On July 23rd he occupied the town of La Mesilla, N. M., now known as Mesilla, on the west side of the Rio Grande river, in Doña Ana county. By changes in the course of this stream this town, formerly the county seat of Doña Ana county, was left on the east side of the stream. About six miles below La Mesilla, on the east bank of the river, was situated Fort Fillmore, occupied by seven companies of the Seventh United States Infantry, one company of the Mounted Rifles, or Third Cavalry, an

aggregate of four hundred and ten officers and men, the whole under the command of Major Isaac Lynde of the Seventh Infantry.

The Confederate forces were permitted to pass Fort Fillmore and occupy La Mesilla without resistance. On the afternoon of July 25th Major Lynde ordered out his entire force and marched against the town. Approaching as near as he could with safety, firing a few shots from his artillery and engaging in a short skirmish with other troops, he retreated to the fort with a loss of three killed and seven wounded. Two days later he ordered the destruction of his entire stores and a retreat to Fort Stanton. Upon his arrival at a pass in the Organ mountains, about twenty miles from the fort, he surrendered his entire command to an inferior force under Baylor, who had followed in his rear, without a shot having been fired on either side. Major Lynde was dishonorably discharged from the United States Army on account of this ignominious surrender, but after the close of the war he was placed on the retired list of the army.

In the meantime all the posts in the territory now constituting Arizona were abandoned and the federal troops assembled at Fort Craig, in New Mexico. On August 1st Colonel Baylor issued a proclamation organizing the territory of Arizona, making the boundary line between that territory and New Mexico the thirty-fourth parallel of north latitude, with La Mesilla as the seat of government and himself as governor.

In the month of July, 1861, the Confederate government at Richmond authorized H. H. Sibley, formerly an officer in the United States Army, to organize an expedition in Texas for the conquest of New Mexico. His brigade consisted of Colonel Baylor's regiment of Texas Mounted Rifles, then in New Mexico; Colonel James Riley's Fourth Regiment, Colonel Thomas Green's Fifth Regiment and Colonel William Steele's Seventh Regiment, all of the Texas mounted troops. General Sibley's first act following his arrival in New Mexico about the middle of December, 1861, was to issue a proclamation to the people of New Mexico, taking possession of the Territory as its governor, after which he made preparations to move up the Rio Grande and capture the remainder of the Territory. In the meantime Colonel E. R. S. Canby, commanding the Union forces, afterward general commanding the department of New Mexico, strengthened Fort Craig with earthworks, caused Fort Union, in the northern part of the Territory, to be moved from under a mesa to a better location, about a mile away, had an earthwork constructed there and the quarters of the officers and men rendered bomb-proof, enlisted several regiments of volunteers and reorganized the militia.

On February 16, 1862, General Sibley arrived in front of Fort Craig, where General Canby commanded in person. He made a demonstration to within a mile of the post, then fell back seven miles and crossed to the east bank of the river.

He then passed up the river between two high ridges of lava and around the east end of the Mesa de la Contadero, a table mountain about five hundred feet high, standing just south of the present site of San Marcial, and into Val Verde (Green valley), a plain about two miles long just north of the mesa, studded with cottonwood trees and extending back from the river half a mile to some low sand ridges. Canby moved up the river on the west side, and about ten o'clock on the morning of February 21st the action commenced. Canby crossed his entire command, excepting a small

force of New Mexican militia under command of Colonel Juan Cristobal Armijo, who were left there to defend the fort and the munitions and supplies it contained while the battle was in progress. The action on the Val Verde lasted from ten o'clock in the forenoon until dark, when the Union forces were withdrawn to the west side of the river and retreated to the fort, having sustained a loss of three officers and sixty-five men killed, three officers and one hundred and fifty-seven men wounded, and one officer and thirty-four men prisoners. The enemy's loss was forty killed and two hundred wounded.

Describing this battle of Val Verde, Major Eugene Van Patten of Las Cruces, who was a participant, says that the Confederates, after coming up the river to Contedaro, which they found guarded by a Union force, were compelled to go around the mesa below Socorro to the old Spanish ford, Val Verde, where another federal force disputed the crossing. While scouting on the evening of the 20th, Captain Van Patten and a small force met Kit Carson's regiment. Carson's command thought the one Confederate company was the entire army, and Van Patten believed he was in the midst of the whole Union army, so that both forces felt relieved to escape without injury. Next day the Union troops commenced crossing to the east side of the river, just below San Marcial. McRae's battery, crossing first, was charged by the Confederates and almost annihilated, fourteen guns being captured and all but five of the company being killed, including McRae. A heavy loss was also inflicted on the infantry company guarding the artillery in crossing. The Confederates lost Major Lockridge and twenty-seven men, the former being killed while ordering his men not to shoot a boy who was carrying a Union flag across the river.

The fight went on all day, shot and shell denuding the trees of their leaves and small branches. Finally the order was issued for four companies of lancers, equipped only with their lances and six-shooters, and four companies armed with double-barreled shotguns to charge the entrenched Union infantry. According to Major Van Patten, the aide who bore the message made a mistake and ordered the gun men to charge one set of infantry and the lancers on another. The courage of that body of lancers in charging to certain death has left a mark in literature. Out of a total of two hundred and eighty, hardly forty were left. The division armed with shotguns and firing sixteen buckshot and a minie bullet was more successful and nearly exterminated the Union infantry opposed to them. The original order had been to charge the entrenched infantry at the extreme right of the Union line, that the gun men should lead the attack, and while reloading should allow the lancers to pass through and complete the work.

After the battle had gone on from 8:30 in the morning to 4:30 in the afternoon, the federals sent a flag of truce under Major Robert H. Stapleton, and Mr. Van Patten, then a first lieutenant, went out to meet him. An armistice of three days was agreed upon in which to bury the dead. The federals carried their men away in wagons, while the Confederates buried theirs three deep in a trench six hundred feet long. The Confederates lost over 460 men killed, while the Union loss was much greater.

After the battle of Val Verde the Confederates moved up the river, capturing Albuquerque and Santa Fé and thence directed their campaign against Fort Union, which they planned to take.

During the last week of March Colonel John P. Slough, commanding the First Regiment of Colorado Volunteers, thirteen hundred and forty-two officers and men, with two small batteries of four men each, left Fort Union to effect a junction with Canby. On March 26 his entire advance, consisting of two hundred cavalry and one hundred and eighty infantry, under Major Chivington, of the same regiment, encountered the enemy in Apache Canyon, about fifteen miles east of Santa Fé, at a place called Johnson's Ranch. The Confederates under Major Pyron were about three hundred and fifty strong. An engagement followed, in which both sides claimed a victory. The Union loss was five killed and fourteen wounded, while the Confederate loss was thirty-two killed, forty-three wounded and seventy-one prisoners. (Van Patten's figures for Union loss, forty killed and sixty-eight wounded or prisoners.) Major Chivington fell back to Pigeon's Ranch, near Glorieta Pass. Major Pyron, who commanded the Confederates, was reinforced during the night by Colonel W. R. Scurry and his command, making the Union and Confederate forces about equal.

At eleven o'clock in the morning the Confederate pickets were encountered. The engagement commenced in a deep gorge, with a narrow wagon track running along the bottom, the ground rising precipitately on each side, with huge boulders and clumps of stunted cedars covering the ground. The batteries on both sides were brought forward, the infantry thrown out upon the flanks, and the firing quickly became general. Colonel Slough had been informed that the entire Confederate baggage and ammunition train was at Johnson's Ranch, and before the action began Major Chivington's command was dispatched over the mountain to this point, unobserved by the Confederate army. It fell upon their camp, which was guarded by about two hundred men, attacked the supply train of eighty wagons, and completely destroyed it, capturing a six-pounder gun. Two Confederate officers and fifteen men were taken prisoners. (Major Van Patten states that while the main body of troops had been sent ahead a band of seventeen New Mexico militia reached the unguarded Confederate supply train and burned it.)

This loss was the most serious the Confederate army had met during the entire campaign, as all the baggage and provisions were destroyed, without the loss of a single Union man.

The fight in Apache Cañon continued until late in the afternoon, when the Confederates retreated toward Santa Fé. According to official Federal reports they "retired in a completely demoralized condition." Colonel Slough having accomplished all that was desired, returned to Fort Union. This engagement is designated in the Union reports as the "Battle of Apache Cañon," and in the reports made by the Confederate officers as the "Battle of Glorieta," or Glorieta.

Upon learning of the approach of the "California Column," and having lost practically all of his baggage and supplies, General Sibley determined to evacuate the country. He commenced his retreat about the middle of April.

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Colonel Eugene VanPatten, living retired in Las Cruces, after active connection with many movements and interests resulting to the benefit of his district, was born in Oneida county, New York, November 10, 1841, and in the fall of 1857 came to New Mexico with the overland mail of the

An excellent brief account of the New Mexico invasion was written by Joseph D. Sayers in 1902, at that time governor of Texas, and who had commanded the famous Val Verde Battery in that expedition. While writing from the southern standpoint, his exposition of the salient features of the campaign is judiciously historical and quite free from bias. His story of the campaign is given in the following paragraphs:

"During the early fall of 1861 were organized at San Antonio into a

old Butterfield line. He started from Jefferson City, Missouri, and traveled by successive stages to Tipton, Missouri, Fort Smith, Arkansas, Fort Chadbourne, Texas, on to the Concha river, to Horseshoe Crossing of the Pecos river, to Fort Stockton, Texas, to Fort Davis, Texas, to Fort Quitman, Texas, to San Elisario, Texas, to El Paso, Mesilla, Tucson, Yuma and Los Angeles. In 1858 he carried President Buchanan's message across the country, beating the steamship company by three days and eight hours. The railroad at that time was built to a point only twenty miles east of Jefferson City. Mr. VanPatten was conductor between El Paso and Tucson, and the fare at that time was ten cents per mile. There were many hardships to be borne in connection with this service, but he continued as conductor up to the time the mail was removed to the northern route. He then made his home in El Paso. His uncle, Giles Hawley, was vice-president and general manager of the Butterfield line, with headquarters at Mesilla. Mr. VanPatten engaged in mining and scouting across the plains until the war opened, at which time he was at the gold mines at Pinos Altos. He served in the Confederate army with the New Mexico troops, and the close of hostilities found him at Franklin, now El Paso, Texas, in command of a hospital. He afterward spent two or three years in merchandising at Ciudad Juarez, Mexico, and continued in the same line of business in El Paso. He served as sheriff of El Paso, and was United States marshal for western Texas and a member of the mounted police force, acting as lieutenant of the first mounted police force organized in Texas. He has many times acted as guide, interpreter and scout, and was regarded as the finest trailer in the country, because of his thorough knowledge of this section, and also of the Indian customs, methods and languages.

Since 1872 Colonel VanPatten has lived in Las Cruces, where he has again been called to various public offices, the duties of which have been promptly and capably performed. He has been sheriff of Doña Ana county for two terms and the county judge for two years, justice of the peace five years and chief deputy United States marshal for eight years in New Mexico. He was also official interpreter of the territorial court of the third judicial district for several years, and in politics has always been a Republican.

Colonel VanPatten was married in 1865 to Benita Madrid, a princess and queen of the Peres Pueblo Indians of Juarez, Mexico, the dominating race of northern Mexico. The Peres were not amenable to Mexican laws. Mrs. VanPatten died in 1875, and of their five children but one is now living, Emelia, the wife of James P. Ascarate. Colonel VanPatten owns a mountain ranch resort, the VanPatten Mountain Camp, fourteen miles east of Oregon mountain, and was once owner of the Alameda ranch, a mile and a half north of Las Cruces.

brigade the Fourth, Fifth and Seventh regiments of Texas mounted volunteers. These troops were drawn from the best citizenship of the State and their enlistment was for and during the war. The regiments were commanded respectively, by James Reiley, Thomas Green and William Steele, and the brigade by H. H. Sibley. To the command were attached four sections of Mountain Howitzers.

"The troops were without uniform and armed with the citizen rifle and the shotgun. Now and then a soldier was so fortunate as to have obtained for himself a revolver. Two companies of the Fifth regiment (Lang's and McCown's) were armed with lances, after the Mexican fashion, instead of guns.

"Upon the supposition, which then generally prevailed throughout the country, that the war would be of short duration and that each side would retain the territory in its possession, these troops were ordered to New Mexico. It was altogether impracticable for them to move in a solid body, and each regiment was broken into detachments of convenient size. During the months of November and December the march from San Antonio to New Mexico was begun by way of the overland mail route to El Paso, the objective point being Santa Fé, distant, as then traveled, fully 1,200 miles from San Antonio.

"It was a midwinter campaign—far from the base of supplies, with no other troops, save a few companies of Baylor's regiment, under the command of Captain Tobin and Teele's battery, in supporting distance, without any stores of whatever character except such as were carried with them, and among a people, the great majority of whom were of a different nationality and not at all in sympathy with the Southern Confederacy. No one

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Captain William R. Shoemaker, deceased, captain of ordnance in the United States army, was born in Philadelphia, Pennsylvania, October 11, 1809. He joined the army August 4, 1841, through the civil appointment. He had previously been in charge as military store keeper of the United States arsenal at Rock Island, Illinois, from 1836 until 1841, and from that place went to St. Louis, Missouri, where he had charge of the casting of shells and the manufacture of ammunition for the Mexican war. In the spring of 1848 he left St. Louis and went to Fort Leavenworth, Kansas, where he remained until July 1, 1849, when he joined General Monroe's expedition to Santa Fé, where he arrived on the 15th of September, 1849, with his wife and eight children. He was ordered to look up a site for an arsenal under the direction of General E. V. Sumner, who located at Fort Union, and Captain Shoemaker established the arsenal near the fort. He built the first house on the site of the fort in 1850 and in the spring of 1851 the construction work on the fort and arsenal were begun. Here was established the supply depot for all the troops in the southwest, including the troops in California, western Texas, Colorado, Utah and parts of Nevada. Captain Shoemaker remained at Fort Union from 1851 until his death, on the 17th of September, 1886. During the Civil war a part of the regular troops at Fort Union rebelled and went with the south. General Slough marched an unarmed regiment into Fort Union and Captain Lime, commanding, refused to arm and provision them. Captain Shoemaker then told Slough to march his regiment over and he would arm it and Slough forced provisions from Lime under threats that he would take the fort if

not personally acquainted with the conditions that prevailed in 1861 and 1862 along the route from San Antonio to Santa Fé, can fully appreciate the many very great difficulties, embarrassments and privations that must necessarily have attended the movement of so large a body of men during the months of December, January, February and March. To add to the gravity of the situation all of the territory between Fort Craig on the south and Fort Union on the north was, upon the approach of the Confederates, completely denuded by the Federals of all supplies whatever except such only as were necessary to the actual support of a thinly populated and hostile country.

"The Fourth and Fifth regiments and a part of the Seventh, with two or three companies of Baylor's regiment and Teele's battery of light artillery, entered the territory of New Mexico during January, 1862. The weather was very cold, the men without tents and poorly clad; rations and ordnance stores short, and no forage whatever except such grass as was to be found on the line of march.

"Moving along the bank of the Rio Grande river, the command reached within a few miles of Fort Craig on the 18th of February. Here was concentrated, it is believed, about 6,000 Federal troops, many of them being in the regular service, thoroughly disciplined and in every respect well equipped. General Canby, afterward killed in the Modoc war, was in immediate command. The Confederates did not number exceeding 1,800 fighting men.

"The fort was directly upon and commanded the road leading up the Rio Grande river. Being numerically too weak and without ordnance of sufficient size and character to justify a direct assault the Confederates

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refused. The officers of the fort were so incensed at Captain Shoemaker's attitude that he was forced to build a block house for the protection of himself, family and a force of fifteen men. They then provided arms and laid a train of powder to the magazine in an event of an attack by the Texans and the rebels, having one hundred tons of ammunition. The attitude and the movements of Captain Shoemaker at this time proved a turning point in the campaign in New Mexico and decided the crisis. At the battle of Glorieta Lieutenant Ed William Shoemaker, son of Captain Shoemaker and a member of Logan's battery, offered to capture a detachment and cut them off from the south. He did so and was instrumental in destroying the wagon train. This expedition was headed by Asa B. Carey. Like his father, Lieutenant Shoemaker remained loyal to the Union and served throughout the war.

Samuel E. Shoemaker, another son of Captain William R. Shoemaker, was born at Rock Island, Illinois, December 27, 1844, and has been a resident of New Mexico since 1849. He was in the Indian service against the Navajos for thirteen years and retired from the army in July, 1905. He had entered the service as a farmer and finally had charge of all irrigation, having his headquarters on the San Juan river. He crossed the reservation forty-eight times in the performance of his duty. He early had a farm in Carey valley at Shoemaker, Mora county (being named in honor of his father), where he remained for several years. Since his retirement from military service he has given his attention to farming and stock raising near Aztec.



determined to turn the fort and penetrate the interior of the territory by crossing the river and marching over the sand hills, along which there was no road, and again strike the river at the Val Verde, a few miles above the fort. In making this detour no water was to be had except such as could be carried by the men in their canteens. As was apprehended the Federals then moved out of the fort, and taking possession of the river banks awaited the approach of the Confederates.

"Skirmishing began on the morning of the 21st, but it was not until about midday that the engagement began. It lasted until near dark, when the Federals rapidly recrossed the river in great confusion and retreated to the fort, leaving the Confederates in the possession of the field and also of a battery of light artillery, afterward known as the Val Verde battery. Colonel Thomas Green of the Fifth commanded the Confederate forces during the action.

"Burying their dead, the Confederates, on the second day after the engagement, began their march along the river toward Albuquerque and Santa Fé, leaving General Canby at Fort Craig with a largely superior force in their rear. From Val Verde to Santa Fé no serious opposition was encountered, though but few, very few real friends were found. Upon the approach of the Confederates, Santa Fé was abandoned by the Federals, who had also concentrated a large force at Fort Union. Thus, it will be seen that the entrances to the Territory were held by them and so strongly as to be entirely secure against the Confederates, who occupied the ground intermediate between these strongholds.

"Advancing from Santa Fé and moving toward Fort Union, a portion of the Confederate forces, under Colonel Scurry, met the enemy on March 28 at Glorieta. This was a close man-to-man contest. Both sides claimed the victory, but the Confederates were compelled to abandon the field and fall back to Santa Fé. In the meantime, General Canby was marching from Fort Craig upon Albuquerque, where the very few supplies that could be obtained had been deposited. Albuquerque is about seventy-five miles distant from Santa Fé. The Confederates hastened as rapidly as possible to its relief. Upon their arrival Canby withdrew his forces.

"Almost entirely without food of any kind, and with but a scant supply of ammunition, and learning that bodies of troops were marching from California and Colorado to the assistance of General Canby, it was determined to abandon the territory. One of the regiments (the Fourth) had already dismounted itself—its horses, through hard travel and want of forage, having become entirely unfit for service. From Albuquerque the retreat began, the Confederates following the road which led down the river and immediately by and within gun-shot distance of Fort Craig, still in possession of the Federals.

"Halting at Peralta the first night, they were surprised to find in front of them on the next morning General Canby with his entire army. Skirmishing began and was continued during the day. At night, after destroying whatever could not be carried with them, the Confederates crossed the river, and after burying all of their artillery except the six guns and caissons captured at Val Verde, began their march through a wilderness and over mountains that had never before been trodden by civilized man. The artillery was often drawn by the men themselves, so poor were the horses and

mules previously used for this purpose that they were unable to pull the gun carriages.

"This wild and hitherto untraveled route became necessary in order to avoid Fort Craig by again striking the river some forty miles below. The command, or rather such part of it as survived, finally reached El Paso and there remained a short time, preparatory to renewing its march to San Antonio across an almost desert country, with water to be found only in small quantities and at long distances; supplies voluntarily contributed by their friends and relatives at home reaching the different detachments from time to time upon the route. The Val Verde battery, being in advance, arrived at San Antonio on the 4th day of July, the officers and men of the company requiring clothing to be sent them before making their entrance into the city.

"Thus disastrously ended one of the most ill advised expeditions of our Civil war. More than one-third of those who left San Antonio six months previously full of life, hope and ambition, had perished upon the field of battle, from wounds received in battle or from diseases contracted through exposure or from the want of sufficient clothing and of proper attention. The only trophy of the campaign was the six-gun battery captured at Val Verde, and which afterwards did service in South and West Louisiana.

"Recruiting its exhausted ranks, the brigade, thereafter known as Green's, was ordered to Louisiana and actively participated in all of the campaigns in that section during the years 1863, 1864 and until the termination of the war. How well it bore its part during that eventful period the recapture of Galveston, Camp Island, Berwick's Bay, the Lafourche, the For-doche, the Bourbeaux, Fort Butler, Carrion Crowe, Mansfield, Pleasant Hill, Blair's Landing, Yellow Bayou and many other fields of hard conflict, bear convincing testimony."

As stated, it was the arrival of the "California Column" which hastened the evacuation of New Mexico by the Confederate forces. This event was also significant as an emphatic proof of California's loyalty to the Union. It meant the collapse of the plans which had been entertained at the outset of the war to bring the southwest under the allegiance of the Confederate states.

The appearance of the Confederate troops in New Mexico and Arizona and the success they met with at the outset of their campaign caused the Federal authorities anxiety lest they might establish themselves securely in these territories and use them as bases of supplies and for the purpose of organizing a force for the invasion of California. It was therefore decided to reinforce the troops in New Mexico with a force from California; hence the formation of the California Column. General Wright suggested to the war department the organization of such an expedition, and on General McClellan's approval of the project it was organized in the winter of 1861-62.

It at first consisted of the First California Cavalry, five companies under Colonel Edward E. Eyre; the First California Infantry, under Colonel James H. Carleton; and a light battery of four brass field pieces, under First Lieutenant John B. Shinn of the Third Artillery, U. S. A. The Fifth California Infantry, under Colonel George W. Bowie, was afterward sent to reinforce the "column."

On April 28, 1862, soon after the expedition had started from Fort Yuma, Carleton was promoted to the rank of brigadier-general of volunteers, and Joseph R. West succeeded him as colonel of the First Infantry. The progress of the little army was slow and fraught with almost inconceivable dangers and hardships, the "Yuma desert" being then, as now, well nigh impassable for any army of men proceeding afoot or on horseback. The season was the driest known for thirty years, which made the passage of the desert the more hazardous. In a communication to the War Department, dated at San Francisco, Cal., June 21, 1862, General George Wright reported: "Lieutenant Shinn, commanding the light artillery battery, reached Fort Barrett on the thirty-first day of May, and was to march for Tucson on the first of June; his horses in good working order, but a little thin. Thus far the expedition has been successfully prosecuted. Arizona is securely occupied, notwithstanding the prediction of traitors that we should be compelled to abandon everything in the midst of the desert."

On June 8, 1862, General Carleton, from his headquarters at Tucson, issued his proclamation as military governor of the newly created territory of Arizona, which until the action of Congress erecting it as a separate territory, had been a part of the territory of New Mexico. In his proclamation General Carleton described the new territory as "all the country eastward from the Colorado river, which is now occupied by the forces of the United States, known as the 'Column from California.' And as the flag of the United States shall be carried by this column still further eastward, these limits will extend in that direction until they reach the furthest geographical boundary of the territory." Martial law was declared throughout the new territory, and three days later Acting Assistant Adjutant-General Benjamin C. Cutler was appointed "secretary of state" of the new territory.

On June 15, 1862, General Carleton dispatched from Tucson John Jones, Sergeant Wheeling of Company F, First California Infantry, and a Mexican guide named Chaves, with communications for General Canby, notifying the latter of the approach of the California troops. On the 18th these men were attacked by a party of Apaches, and Wheeling and Chaves killed; but Jones, almost by a miracle, succeeded in getting through the Indians and reaching the Rio Grande at a point known as Picacho, six miles above La Mesilla. Here he was captured by the Confederates and taken before Colonel William Steele, who took his dispatches and threw him into jail. He managed, however, to get word to General Canby that he had arrived and that the long and eagerly anticipated California column was really well on its way to the Rio Grande, an achievement which had been considered as absolutely impracticable.

As soon as Steele became convinced that the California troops were actually approaching, though still several hundred miles distant, with a great desert intervening, hurried preparations to abandon the country were made by the Confederates. In the meantime General Canby had dispatched a large force to Fort Craig, with orders to move on La Mesilla as soon as adequate means of transportation could be provided.

June 21 a strong reconnoitering force under Lieutenant-Colonel Eyre left Tucson, arriving at the Rio Grande, near Fort Thorn, on July 4. On the following day this force occupied that work, it having been abandoned

by the Confederates. Eyre was soon afterward reinforced by a squadron of the Third Cavalry, U. S. A., and, having constructed a raft and built a boat, started to cross the river to march on Forts Fillmore and Bliss (the latter in Texas). Some delay in his movements ensued as the result of the receipt of conflicting orders from Colonel Chivington and Colonel Howe, acting assistant adjutant general, but he finally reached Las Cruces. There he learned that a portion of the Confederate force were at Franklin, Texas, where they had been collecting government property with the intention of selling it secretly to citizens of El Paso. Having in the meantime received positive orders from Colonel Howe not to leave Las Cruces, he was unable to move upon Franklin. Had Colonel Eyre not been hampered by commands from superior officers who were unfamiliar with the local situation, he might have broken up the movement at Franklin, as well as captured the disheartened and disorganized force under Colonel Steele.

The energy, enterprise and resources of Colonel Eyre, as exhibited in his rapid march from Tucson to the Rio Grande, his crossing of that river, and his unlooked-for presence directly upon the heels of the retreating Confederates, cannot be too highly appreciated. He exhibited some of the finest qualities of a soldier, and had he not been fettered by orders from higher authority, he undoubtedly would have achieved advantages over the enemy creditable to himself and to the army. But for his timely arrival upon the Rio Grande, Las Cruces and La Mesilla would both have been laid in ashes by the enemy. Hampered as he was by orders, he nevertheless managed to hoist the stars and stripes upon Fort Thorn, Fort Fillmore, and La Mesilla, in New Mexico, and Fort Bliss, in Texas.

On July 23 General Carleton left Tucson for the Rio Grande, the larger portion of his troops, under command of Colonel West, having preceded him a short time before. On account of the hostile attitude of the Chiricahui Indians he found it necessary to establish a post in Apache Pass, which he named Fort Bowie. This fort protected the water in that pass. Upon reaching Ojo de la Vaca, and receiving information that a large number of men, women and children were in a destitute and starving condition at the Pinos Altos mines, over forty miles northeastward from the point, he sent to them some provisions as a gratuity.

Arriving at the Rio Grande, at a point three miles above Fort Thorn, on August 7, he immediately communicated with General Canby. Two days later he crossed the river eighteen miles below Fort Thorn, and the day following, August 10, the head of the column reached Las Cruces, where the advance guard of the army under Colonel Eyre, strengthened by four companies of regular infantry from Fort Craig, was stationed. Although advised by General Canby that the invasion of Texas from Las Cruces as a base was impracticable, General Carleton nevertheless received permission from Canby to use his own judgment in the matter, and accordingly started for Fort Bliss with three companies of cavalry on August 16. At Franklin he captured twenty-five sick and disabled Confederate soldiers and recovered the government stores which Colonel Eyre had desired to recapture. These he sent to the depot which he had established at La Mesilla. Hoping to restore confidence to the people, who

had been taught by the Texans that the California troops were coming among them as marauders and robbers, he continued his march almost a hundred miles down the Rio Grande into Texas. In his report on this expedition General Carleton says: "When they found we treated them kindly, and paid them a fair price for all supplies we required, they rejoiced to find, as they came under the old flag once more, that they could now have protection and be treated justly."

September 2 General Carleton received orders directing him to <sup>relieve</sup> leave General Canby in the command of the Department of New Mexico. Returning to Las Cruces he transferred the command of the district of Arizona to Colonel Joseph R. West, but retained command of the California column. On September 16 he arrived in Santa Fé and assumed command of the department.

On October 11, 1862, General Carleton ordered an expedition consisting of Companies A and D, First California Cavalry, to Dog Canyon, against the Mescalero Apaches, to co-operate with an expedition under Colonel Christopher (Kit) Carson, who had been ordered, with five companies of his regiment, the First New Mexico Cavalry, to re-occupy Fort Stanton. As a result of this expedition the Mescalero Apaches were completely subdued, and four hundred of them were taken prisoners.

On January 12, 1863, Company A left Las Cruces, arriving at Fort McLean January 19. The following day Captain McCleave, with twenty men, proceeded to Pinos Altos mines and attacked a party of Mangus Colorado's Apaches, killing eleven and wounding the chief's wife. Three days before Mangus Colorado (Bloody Hand), the chief, had been brought into Fort McLean a prisoner, and the day after his capture was killed by a guard while attempting to escape.

The First Battalion, California Veteran Volunteer Infantry, was organized in November and December, 1864, by consolidating the Veterans of the First California Volunteer Infantry into two companies, which became Companies A and B, and consolidating the companies of the Fifth California Volunteer Infantry into five companies, which became Companies C, D, E, F and G of the battalion. Colonel Edwin A. Rigg of the First Infantry was made lieutenant-colonel and commander of the battalion, and Major Joseph Smith of the Fifth Infantry, was made its major. Company F was broken up in February, 1865, for the purpose of distributing the men among the other companies on account of the difficulty experienced in getting recruits. This battalion was engaged principally in efforts to subdue the Indians throughout New Mexico, and was stationed for the most of the period of its service at Franklin, Texas, Fort Craig, Los Pinos, Fort Union, Fort Selden, Fort McRae, Fort Wingate, Fort Garland, Fort Cummings and Las Cruces, usually divided into its component companies. It was mustered out at Los Pinos, N. M., September 15, 1866.

By an act of the legislature, approved January 31, 1867, the sum of fifteen hundred dollars was appropriated to enclose the graves and erect monuments over the federal soldiers killed at the battle of Apache Canyon and Glorieta, "that now lie near the house of Kuzlowski;" and to enclose the graves and erect monuments over the Federal soldiers "killed at Val Verde and now interred at Fort Craig." As nothing was done to carry out the provisions of this act, on account of its vagueness, at the following

session another law was passed, increasing the appropriation to eighteen hundred dollars, and making definite provisions for the erection of the monuments.

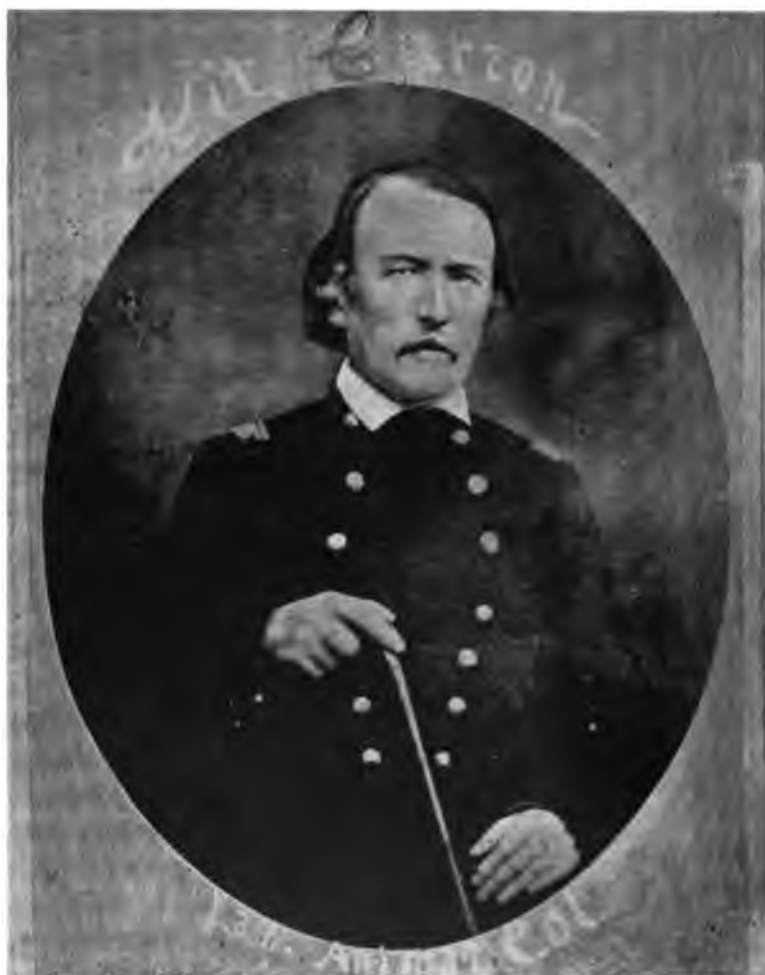
The First New Mexico Cavalry, Kit Carson's regiment, was organized in June, 1861, its members being drawn from the northern counties, Taos, Rio Arriba, Santa Fé and Mora. The muster followed the first call for volunteers, and the enlistment was for three years. Colonel Ceran St. Vrain, who was first colonel of the regiment, resigned soon after the organization, and Kit Carson, next in command, became his successor and continued at the head of the regiment throughout the war. J. F. Chaves was major.

From Fort Union the regiment was sent to Fort Craig, and in the following February participated at the battle of Val Verde. Part of the regiment was sent up the Rio Grande and participated in the battle of Apache Canyon. Colonel Carson, with such of his command as was not detached for duty at different posts, was stationed at Fort Stanton to hold the Mescalero Apaches in check. It was while here that the mutiny occurred in which Dr. J. M. Whitlock was killed. Captain Craig, of one of the companies, endeavored to start a mutiny because of the presence of a negro in the regiment. Because of the negro Lieutenant Morris had declared a readiness to desert to the Confederates. In the altercation which ensued, Dr. Whitlock, surgeon of the regiment, who was endeavoring to preserve discipline, shot and killed Craig, whereupon the soldiers of the latter's company, incited, it is said, by Morris, set upon and butchered the surgeon most brutally. Carson ordered the arrest of Morris and his company were disarmed, but Morris afterward escaped from jail and disappeared.

From Fort Stanton Colonel Carson took part of his regiment to Fort Bascom in the summer of 1863, and was engaged in a campaign against the Comanches. In the latter part of the year he set out to Fort Wingate to command an expedition against the Navajos. To keep this tribe in subjection required the presence of the troops and frequent fights for three years, some of the California volunteers assisting in the campaign until the surrender in the fall of 1865. Among the battles with the Indians were those at Cañon de Chelly, Rita Quemado, Little Colorado, near San Francisco mountains, Pueblo, Colorado, near Oraibe, Mesa La Baca. In the fall of 1865 the Indians began to surrender at Fort Defiance (Fort Wingate). Carson agreed to protect them if they were willing to be removed to Fort Sumner. The Indians consented, but after the change, on account of climate, became dissatisfied and began to desert and return to their old home. An expedition to force them to return was sent out under command of Captain Edward Butler, of the Fifteenth California Volunteer Infantry, and Captain Donaciano Montoya, of Taos, of Company F of the First Regiment. Of the renegades and deserters they killed about 60 and captured about 100, whom they sent back to Fort Sumner. The only important Indian who could not be found was Manuelito, the Navajo chieftain, who, with his followers, was apprehended and delivered to the authorities in October, 1866.

The First New Mexico Regiment was mustered out in 1865, but from those whose time had not expired Carson organized a battalion of four companies, to be ready for service in case any troubles might arise





**Kit Carson, the Noted Scout**

**Photograph taken in Washington, D. C., in 1867. Copy from original in possession of  
Mrs. Aloys Scheurich, Taos, N. M.**



among the Indians. This battalion was stationed at Fort Garland, in Colorado. The Ute Indians had been threatening the towns of western Colorado and northern New Mexico. Advised of an imminent attack against Trinidad and Pueblo, Carson hurried his troops to that vicinity, and as a result of his shrewd method of dealing with the Indians caused them to desist from their plan and return quietly to their homes, the lesson of the Navajo campaign not being lost upon them. The battalion was mustered out at Santa Fe in October, 1867. The captains of its four companies were: E. H. Burgmann, H. Thompson, Albert Pfeiffer, Donaciano Montoya.

#### KIT CARSON.

During the early years of the fur traders in the southwest New Mexico was visited by many men who loved the independent and fascinating life of the mountain frontier in its greatest purity. Among them were several who remained in the northern part of the province and ultimately became intimately identified with the development of trade relations between the far western country and the commercial centres of the east. Among these were such men as Charles Beaubien, afterward proprietor of the Beaubien and Miranda Land Grant; Christopher (Kit) Carson, trapper, guide and scout; Moses Carson, his older brother; Joseph Dutton; Romulus M. Doane; Charles Bent and Colonel Ceran St. Vrain, traders; William Bent, brother of Charles Bent; Fitzpatrick and Bridger, trappers and guides; Hugh Stevenson, Charles Conkling and others. The most romantic interest attaches to the names of Beaubien and Carson; the most tragic to the name of Bent. Moses Carson, Joseph Dutton and Romulus M. Doane came from Independence, Mo., in 1831. The former was fully as widely known as a trapper in the early days as his brother Christopher, for a long period plying his trade throughout the Rio Grande valley from Colorado to Texas. He died in 1871 at the home of Colonel Eugene Van Patten, in Las Cruces.

Christopher Carson—"Kit" Carson, as he was more commonly known among the Americans, and Cristobal Carson, as he was called by the native inhabitants—was born in Kentucky in 1808 or 1810. He came to New Mexico in either 1826 or 1827 on a fur hunting expedition. From that year until about the time of American occupation he trapped from the Arkansas valley to the Pacific coast. No other man became so thoroughly acquainted with the geography of the country, and none knew the various tribes of Indians, their character, their manner and customs, and their languages so well as he. And there seems to be little doubt that the Indians and Mexicans reposed more confidence in his word and had a higher regard for his friendship than in the case of any other white man who traversed their country. Those who knew him best say that he was never known to break his word.

While historians generally give to Fremont the credit of being the great "pathfinder," it was Carson who made Fremont's success possible. Carson blazed the original trail, located the streams and springs, established a friendly feeling among the Apaches, the Utes, the Navajos and other nomadic tribes, as well as among the pueblo Indians. And he performed this great service to the country without military escort or other aid. Lieutenant Emory, who headed the first military expedition through

the southwest from Santa Fé, was the first to give official recognition to Carson's services in this respect. But the ringing notes of Fremont's bugles and strong political influences at Washington heralded the latter as "the Pathfinder;" and Carson, modest, quiet, indifferent to praise, unambitious, not caring for political preferment, remained in his chosen abode in the fastnesses of the Rockies, while the man who had followed his lead and journeyed whither his finger had pointed rose to the acclamation of a bewildered populace.

At least two years before Fremont's first expedition started, Carson traveled as far north as the present site of Laramie, Wyoming, on a trapping expedition. From there he traveled in a southwesterly direction into California, returning to Taos and Santa Fé through Wyoming and Colorado. On most of his earlier excursions he was accompanied by Pablo Jaramillo, a Mexican scout and trapper. After he began making his tedious and dangerous trips to California, some of his friends, including Fremont, endeavored to induce Congress to give him a commission as lieutenant in the regular army; but this effort failed. Carson knew of the unsolicited movement in his behalf and the refusal of Congress to grant the request for his recognition, but he was never heard to complain.

He was constantly on the move. When the Pacific coast began to attract attention in the east, before the discovery of gold there, he acted as guide to a number of parties traveling overland; and during the war with Mexico he was commissioned by the government to carry the letter mails from Fort Leavenworth to San Francisco. While on one of his trips to the Pacific coast, a member of his party fell from his horse while crossing the Sierra Nevada Mountains and broke his arm, crushing the bone badly. Seeing that amputation of the member was necessary to save the man's life, he sharpened his hunting knife, compelled the sufferer to drink freely of whisky, and amputated the arm, closing the bleeding arteries by searing them repeatedly with a red-hot iron.

Carson made Fernando de Taos his headquarters for many years. When General Kearny took possession of Santa Fé and the priest, Antonio Martinez, began inciting the native population in that section to revolt, Carson made every effort to stem the tide of public sentiment, but without avail. He always regarded this priestly revolutionist as a tyrant, and realized the strong anti-American sentiment which actuated him during the first years of American occupation. Though he was a man who seldom made a threat against another, his hatred of Martinez impelled him to remark on more than one occasion that he would like nothing better than the faintest pretext for killing him.

He was never known to become excited in a fight with Indians, in many of which he was compelled to engage. When the struggle had reached the most central stage he was coolest and in the best humor. In 1851 a young woman named Mrs. White, while traveling to Santa Fé was captured by Apache Indians on the breaks of the Red river in Emplazada Cañon. When they were pursued by a party of Americans led by Carson, they murdered their captive. The killing was witnessed by members of the pursuing party, who informed Carson. The latter killed the Indian who had committed the deed, shot at least two others, and never uttered a word regarding the act until the rescuing party were on their way home.

In the spring of 1850, while at his home on the Rayado ranch, with

his wife and his niece, Teresina Bent, afterward the wife of Aloys Scheurich, a large party of Comanches, Cheyennes and Arapahoes suddenly appeared before the house. Their actions appearing to indicate an intention to attack the house, he called his wife and niece into a rear room, told them his pistol contained but two shots, and that the moment he heard the door crash in, something he momentarily expected, he should kill them both. But the house was not attacked.

In 1859 word was brought to Taos that the Comanche Indians had with them on the Arkansas a white boy whom they had stolen. Giving to one of the men serving under him a quantity of merchandise, his private property, he directed him to proceed to the point where the boy had been seen and buy his release, placing no limit on the amount to be given in exchange for the captive's liberty. The boy was brought back to Taos, where it was ascertained that he was the son of early German settlers in Texas and had been captured while helping to herd cattle. A few months later Carson sent the boy back to his parents.

In 1854 Carson received from the Department of the Interior a commission as agent for the Utes, Apaches and Pueblo Indians, with headquarters at Taos. This post he filled until the beginning of the Civil war. In 1860 he accompanied a party on a trip from Taos to the San Juan Valley, his last journey as a guide to others. During this trip his horse fell and rolled down the mountain side with him, crushing him badly. For some time it was thought that he was dead. He never fully recovered from the injuries received at this time, and believed that this accident was the prime cause of his death.

When the news of the outbreak of the Civil war reached Taos, Carson, who was still filling the position of general Indian agent, at once set to work, with Colonel Ceran St. Vrain, to enlist a regiment of native soldiers. This command, the First New Mexico Cavalry, was composed principally of residents of Taos, Rio Arriba, Santa Fé and Mora counties. It was organized in June, 1861, with Ceran St. Vrain as colonel, Carson as lieutenant-colonel, and J. Francisco Chaves as major. It was mustered into the service at Fort Union soon afterward. Colonel St. Vrain resigned his commission within a few days, and Carson was promoted to succeed him. This command participated in the battle of Val Verde, and after that engagement a portion of the regiment, with Carson in command, occupied Fort Craig temporarily. Subsequently he helped to garrison Fort Stanton, and Fort Bascom, where the Comanches had been giving considerable trouble. Late in 1863 he commanded an expedition against the Navajos, whom he engaged and defeated at Canyon de Chelly, Rita Quemado, on the Little Colorado, near the San Francisco mountains, at Pueblo, Colorado, near Oraibe, and at Mesa La Baca. He mustered out part of his troops at Albuquerque late in 1865, retaining in the service four companies whose terms had not expired, for the purpose of occupying Fort Garland, in Colorado, then the centre of a threatened uprising of the Utes. Traveling alone to a point near the site of Alamosa, he met Conniach, chief of the Utes, persuaded him that should his tribe continue on the warpath the fate of the Navajos would overtake him, and finally succeeded in coming to terms of peace with this brave Indian warrior. The four companies remained at Fort Garland until October, 1867, when they were ordered to Santa Fé to be mustered out.

After the close of the war Carson went to the ranch of Thomas Boggs,

in the Arkansas valley in Colorado, near the mouth of Picketwire creek. In this section he established a ranch for his family, a modest place. He had four or five head of cattle, but as he had had no experience in the stock industry his success was slight. He also owned a small interest in a land grant, the principal proprietors of which were Colonel St. Vrain and Cornelio Vigil, both intimate friends. Here he spent the remainder of his life. During the last two years of his life he suffered intensely at times from angina pectoris, which he believed to have been superinduced by the accident referred to in the foregoing. His wife died April 27, 1868, and his death occurred May 23 following. During the last weeks of his illness he lay in the private quarters of Dr. Tilton, surgeon at Fort Lyon. While reclining and smoking a pipe given to him by General Fremont, he coughed once or twice, expectorated a quantity of blood, and grasping the hand of his intimate friend Aloys Scheurich, who had been watching with him, gasped, "Good-bye, Compadre," and died.

Carson had frequently expressed the wish that his body be buried at Taos, and in the fall of 1868 his remains were removed from their temporary resting place at Fort Lyon and, with those of his wife, interred at the cemetery at Taos. Efforts were subsequently made to have the body removed to Santa Fé, but these very properly have failed. Strange as it may seem, but one monument, a small one at Santa Fé, has ever been erected to the memory of this greatest of American scouts. A small headstone erected by the Masons at Taos was destroyed by souvenir-hunting vandals, and in its place another has been erected—a plain gray stone whose corners are gradually being chipped away.

Carson never received a pension, and when he resigned the Indian agency at Taos the government was two hundred dollars in arrears on his salary. This balance he never received, and he left his family almost nothing. He was utterly uneducated, and when it was necessary for him to write his name he performed the labor with effort. He was the most abstemious of men in the use of liquor, and was never known to become even slightly intoxicated. While a great lover of cards, he never gambled with mechanical devices, such as dice, roulette and faro, but confined his gaming chiefly to poker and "old sledge," playing with none but his friends. He was generous to a fault. Though not religiously inclined, he was baptized in the Roman Catholic church at Taos at the time of his marriage. But he was a devoted Mason, and one of the earliest members of Bent Lodge at Taos, the first to be instituted in New Mexico. He was one of the most expert riflemen of the frontier, and has been known to toss a silver dollar thirty or forty feet in the air and shoot it before it struck the ground.

Carson's wife was Josepha Jaramillo, a native of Taos county. They were the parents of seven children, most of whom were reared after the death of their parents, in the home of their cousin, Mrs. Thomas Boggs. Of these children, William, the eldest son, was killed by the kick of a horse while the family was at Fort Garland, the impact of the horse's hoof discharging a pistol which the young man had in his pocket. Charles, the second son, is now engaged in the cattle business at Nine-Mile Bottom, Colorado. Christopher, Jr., the youngest son, lives at Del Agua, Colorado. Of the four daughters, Teresina married DeWitt F. Allen, and now resides at Raton. Estefina, deceased, became the wife of Thomas Woods of La Junta, Colorado. Rebecca married John Lewis and poisoned herself while



**Kit Carson's Old Home, Taos**



**Kit Carson's Grave at Taos**



temporarily insane. Josefa, who died at Las Vegas, married, divorced her husband and married William Squires.

"Carson's word was accepted by all his men as truth, and they rendered him implicit confidence and obedience," is the tribute paid the great pioneer by Captain Montoya of Taos, who served under him during the Civil war. "He never got angry except when finding his officers or men in a lie." In stature about five feet six or seven inches, slightly bowlegged, fleshy, with immense forehead and honest face, Kit Carson was brave both physically and morally, and when he knew he was right nothing would intimidate him. Although uneducated, he had strong native intelligence and being a good listener often had his officers read to him, and thus stored away in his retentive mind a wealth of knowledge that few of his compeers could equal."

Captain Donaciano Montoya, whose death occurred at Taos, June 23, 1906, had been closely connected with many events which frame the civic, military and legislative history of this part of the country, and through his intense and well directed efforts contributed in large measure to the pioneer development of the west. He was born in El Rito, Rio Arriba county, February 28, 1841, a son of Marcos and Maria Ignacia (Martinez) Montoya, the latter a native of the city of Taos, in which the captain made his home. He was a young man of about twenty years at the time of the outbreak of the Civil war and in response to the call for troops to preserve the Union he enlisted in Company D, First New Mexico Cavalry, in which he became second lieutenant. He was mustered in at Fort Union, July 4, 1861, and was promoted to the captaincy of Company F, of the same regiment, in August, 1864, thus serving until the close of hostilities.

Following his return home Captain Montoya became a leading factor in political circles and in 1869 and 1870 represented his district in the legislature, being elected on the Democratic ticket. He afterward spent two years in campaign work delivering many addresses in support of the principles in which he believed, and in 1868 he acted as interpreter for the senate of the territory of Colorado.

In the same years Captain Montoya also engaged in freighting in Colorado, going as far east as St. Louis, and for some time continued the business at Denver and Cheyenne. He also secured the contract for carrying the government freight to Navajo and Fort Defiance, being thus engaged for two years. In 1871 he drove horses to California.

Again entering the field of politics, Captain Montoya was appointed and served for three years as guard of the New Mexico penitentiary. He resided in Taos county from 1894 and in the city of Taos from 1899, and within this period filled appointive positions in the legislature and was interpreter in the courts and to the United States grand jury, while in 1902 he was translator in the legislature. He had a wide acquaintance among the leading men of the Territory and the southwest and was a prominent and honored representative of pioneer life west of the Mississippi.

Captain Montoya was married, July 7, 1873, to Miss Leocadia Le Blanc, and they had one child, Josefina. The Captain was a member of Carleton Post, G. A. R., at Santa Fé.

Colonel Ethan W. Eaton, living retired in Socorro, was a pioneer of this part of the Territory of 1840. He was born in Montgomery county, New York, October 10, 1827, and is descended from English ancestry, the

family having been founded in America in early colonial days. The first of the name in the new world crossed the Atlantic soon after the Mayflower made its historic voyage, and for many years thereafter representatives of the name lived in Connecticut and the family furnished a number of soldiers to the patriot army in the war of the Revolution.

In early manhood, attracted by the discovery of gold in California, Colonel Eaton started from New York city to the Pacific coast in the spring of 1849, traveling by rail to Buffalo and thence to Cincinnati, where he built a boat, thence proceeding down the Ohio and Mississippi rivers to the mouth of the Arkansas and thence up that river by steamer. He thence traveled overland from Little Rock by ox teams and up the Canadian river to Santa Fé, but never continued from that point on the journey to California. He remained in Santa Fé and vicinity until 1875 and was first employed at clerking. Soon afterward he was married and purchased a land grant at Galisteo, where he engaged in farming and stock raising until he entered the army. He served through the Navajo and Apache wars and under Kit Carson in the Civil war. Early in 1861, responding to the call for troops to preserve the Union, he became captain of Company D, First Regiment of New Mexico Volunteers. He was with that company until it was reorganized as Company F, First New Mexico Cavalry, commanded by Kit Carson, and he was promoted from the rank of captain to that of major and later to lieutenant-colonel. He joined his company at Albuquerque and went to Fort Sumner. After the battle of Val Verde, he went up the river with General Canby to Albuquerque. He had very intimate acquaintance with the notable Kit Carson, a warm friendship springing up between them. Colonel Eaton is thoroughly familiar with the history of pioneer life in New Mexico when the settlers were in constant danger of Indian attack. On one occasion the Apaches raided his place at Galisteo, killing one man and wounding Mrs. Eaton's mother. Colonel Eaton communicated with General Garland at Santa Fé, who sent men out with Colonel Eaton and they overtook the Indians at the foot of Capitan Mountains, killing nine of the ten redskins. One soldier was also killed and Colonel Eaton shot in the thigh. However, he obtained the scalp of Chief Santanita, who had shot him, and he also killed two other redmen. The troops recovered the stock that had been stolen.

Following the close of the Civil war Colonel Eaton engaged in contracting for the government in Santa Fé and vicinity until 1875, since which time he has made his home in Socorro. He engaged in the drug business for a time, but his attention has largely been given to mining in the Kelly district, where he has taken an active part in the development of the rich mineral resources of the Territory. Formerly active in politics, he was a Lincoln Republican during the progress of the Civil war, but in later years became a Democrat on account of the demonetization of silver. He belongs to the Knights of Pythias fraternity and the Grand Army post at Albuquerque and his military service did not cease when mustered out of the United States army at the time of the Civil war or end with his connection with the troops that subdued the Indian outbreaks, for he also became captain of a company of militia which was organized in Socorro in the early '80s. He also, in the early '80s, took an active part in quelling the disorders of the bad element and desperadoes in and about Socorro and had with them







**Mrs. Ethan W. Eaton**



Ethan W. Eaton



several personal encounters, in one of which he was shot in the arm, leaving it almost useless up to the present day.

Colonel Eaton was married to Miss Marcelina Chaves, a daughter of Joaquin Chaves, of Santa Fé, New Mexico. Their sons and daughters are as follows: Nestor P., a stockman of Socorro; Joseph I., who is connected with the smelting company at El Paso, Texas, in charge of the sampling department of all the plants; Ed C., who is in the service of the Atchison, Topeka & Santa Fé Railroad Company; William J., a lawyer at Clayton, New Mexico; Robert C., who is in the employ of the El Paso Smelting Company in old Mexico; Mrs. Maria Miquela Owens, of El Paso, Texas; Mrs. Teresa Gildersleeve, of Santa Fé; and Mrs. Sarah T. Abernathy, the wife of Dr. H. J. Abernathy, of old Mexico, who is surgeon on the railway between Aguax Calientes and Tampico.

John Lemon, one of the most widely known of the early American inhabitants of the southern portion of the Territory, came to Mesilla, Doña Ana county, a year or more prior to the opening of the Civil war, probably in 1859. He became intimately identified with public affairs and was one of the few prominent citizens of that section who remained loyal to the Union cause during the troublous times preceding the advent of the "California Column." He was born in Pittsburg, Pennsylvania, about 1831, and died at Mesilla, August 27, 1871. He was left an orphan at an early age and was reared by an uncle in Pittsburg, Pennsylvania, to the age of fourteen years, when he ran away from home. He obtained money from a sister, and thence started across the plains with a train of emigrants for northern California. While in that part of the country he met an uncle, who was a physician and who had a contract with the government for carrying the mail and express. In the employ of this uncle Mr. Lemon made two or three trips to Oregon and after his uncle's death he settled at Pope Valley in Napa county, California. He was there employed as a cowboy and while there, at the age of eighteen years, he met Luciana Pope, whom he afterward married. Pope Valley was the concession by the Mexican government to her father, William Pope.

Just prior to the outbreak of the Civil war Mr. Lemon came to New Mexico with his wife and two children, John and Julia. He had for some time previous conducted a large hotel in San Bernardino, California. On coming to New Mexico he first settled at Warm Spring, in Grant county. He opened a spring there and got a tract of land, remaining at that point for a year, but the Indians and the rebels occasioned him considerable annoyance, and in the spring or summer of 1861 he came to Mesilla, Doña Ana county, where he engaged in business, taking government contracts for furnishing hay, grain and other supplies. Not long afterward the Confederate forces came to this part of the Territory and he was arrested by General Baylor's troops because he was a strong Union man and refused to serve in the Confederate army. He was sentenced to be hanged, but was released after a rope had been placed around his neck, and finally was exchanged. W. W. Mills, in his volume, "Forty Years in El Paso," thus describes this incident. John Lemon, Jacob Applezoller and Crittenden Marshall were arrested at La Mesilla as "Union men." One midnight these three men were taken from the courthouse by the guard and a party of citizens. Marshall was hanged by the neck until he was dead. Applezoller was also suspended by a rope, but for some

reason was cut down and revived. He and Lemon were taken back to the courthouse. Some time later Lemon made his escape and joined the Union people at Fort Craig. Lemon "possessed all the best qualities of the frontiersman with none of their vices. He was strictly temperate, perfect in habits and morals and yet a genial, sympathetic companion and faithful friend. Behind a manner almost as modest and quiet as a Quaker's, there rested a personal courage and resolution equal to that of Andrew Jackson." Official reports of the United States army show him to have been a man of strong Union sentiment, outspoken and brave. Rebels confiscated all his property and stock which he had brought from California. All this occurred early in July, 1862.

After the war Mr. Lemon engaged in raising sheep and later conducted an ox train and under contract furnished hay, grain, wood, etc., to Forts Seldon, Cummings, McRae, Craig and Bayard. He was thus engaged from about 1866 until near the close of his life. He lost his oxen in 1866 through the Indian depredations, and afterward purchased a mule train. With this train he made one trip to Kit Carson, Colorado, at the west end of the railroad, about 1868, in order to obtain goods. It was while on that trip to Colorado that he decided to pay a visit to his old home in Pittsburg, and did so, but found that he knew no one there and that no one knew him, for all of his old friends and acquaintances had either removed or died. In St. Louis he bought a large stock of merchandise, which he brought to Mesilla and opened a general store, which he conducted successfully until his death.

Mr. Lemon also had other business interests in the southwest. In 1869 he owned a number of flocks of sheep through the country, but on the 14th of November of that year the Apaches attacked his sheep half way between Mesilla and El Paso and killed Agapito Padilla's son, who was herding with his father, and drove the sheep away. Mr. Lemon followed the Indians with two different parties and obtained three Indian scalps. Soon after this he lost his entire herd of mules in the mule train which were being sent on an expedition under care of an employe. At La Mesa they broke out of the corral and there was a hard chase through the desert, which continued for many days, but at length he recovered all. Mr. Lemon also met with many difficulties and hardships in his sheep ranching through the southern part of New Mexico, and his mind on one occasion became temporarily unbalanced because of thirst and exposure. His business interests were of a nature that contributed to the development and improvement of his section of the Territory, and he was also recognized as a political leader, being a strong and active supporter of the Republican party.

About 1866 or 1867, Mr. Lemon served as deputy collector of customs under W. W. Mills, with headquarters at Las Cruces. In the early days after the war he served in the New Mexico militia. Mr. Lemon filled the office of probate judge for two or more terms, and was again a candidate for the office at the time he was killed, on the 27th of August, 1871. The campaign had started early and was a very bitter one. Many political speeches were made to big crowds, and on this day Mr. Lemon was speaking in front of his store in Mesilla. The Democrats were there in force. About 10:30 in the morning quarreling arose between the two factions, and there was a narrow escape from general shooting. Between

4:30 and 5 o'clock in the afternoon the Lemon forces made a circle of the town headed by a band and entered the Plaza, where the Democrats were massed. A man named Eracluo (probably hired by other Democrats) made a grab for the flag which was carried by Renaldo Camunes, and the trouble started. A man by the name of Kelley struck Mr. Lemon on the head with a heavy club and broke his skull. He fell, but in doing so pulled a pistol and shot Kelley through the shoulder. After falling he grabbed his pistol in both hands and shot Kelley again, this time through the heart. The crowd was so enraged by the attack on Mr. Lemon that they cut Kelley all to pieces. Mr. Lemon survived for only a few hours, passing away at eight o'clock that night. In the general fight which followed the disturbance in the Plaza ten or eleven were killed outright and double that number were injured. Among the killed was Felicito Arroyos. Most of the killed were Republicans, as the Democrats were posted on the houses and other points of vantage. When Mr. Lemon fell two men, Jesus Barela and Jesus Qasada, came out to pick him up. They were attacked by the crowd and shot, but not killed. The shooting that occurred on that occasion was never investigated. This was the most tragic and greatest event of the character that ever occurred in Doña Ana county or southern New Mexico.

Mr. Lemon had the following children in Doña Ana county: Frank, who died in infancy; Cadelaria, the widow of Nicholas J. Kennedy, of Las Cruces; Julia, the deceased wife of Albert L. Christy, of Las Cruces; Katie, unmarried; and Katie and Julia, both deceased (there being two of each name in the family). Mrs. Lemon married William L. Rynerson in December, 1872, and died June 29, 1900.

By nature Mr. Lemon was peaceable and law abiding. He was a man, however, of strong character, was always ready to help others, but was quick to resent an insult. He believed that he had the right to uphold his honest convictions within the province of the law, but the desperadoes of those early days robbed Doña Ana county of one of its valued citizens, his efforts having proven of direct benefit in the county's development.

John Lemon, son of John Lemon, Sr., and now deputy clerk of the Third Judicial District of New Mexico, living at Las Cruces, was born below San Bernardino, California, May 31, 1858, and came to New Mexico with his father prior to the Civil war. He attended the St. Louis University in 1873-4 and in 1878 was a student in the Central Normal College at Danville, Indiana. At various periods he has been engaged in the cattle business and in merchandising at Las Cruces, and he also engaged in railroading on the Santa Fé and in old Mexico and Arizona. His last railroad work was done in August, 1904. From 1898 until January, 1903, he was deputy clerk of the Third district, and since October, 1904, has filled the same position. He has always been a stalwart Republican. Mr. Lemon was married May 16, 1890, to Annie Fenton, a native of Nova Scotia, and their children are two sons, J. Fred and D. Blaine, and two daughters, C. Marion and L. Irene Lemon.

## NEW MEXICO IN THE SPANISH-AMERICAN WAR.

New Mexico's part in the Civil war, when the Territory was very young and its citizens and its interests less thoroughly American than now, is only dimmed by the lustre shed on her military annals by the performance of her sons in the war with Spain. The deeds of the famous regiment of "Rough Riders," to which New Mexico furnished a large share of volunteers, will be a cherished heritage to the Southwest as long as men are stirred to enthusiasm by the exploits of war.

At the opening of the Spanish-American war, in 1898, Congress authorized the raising of three cavalry regiments from among the rough riders and riflemen of the Rockies and the Great Plains. The command popularly known as the "Rough Riders"—the First United States Volunteer Cavalry—was recruited principally from these western states, and the mustering places for the regiment were appointed in New Mexico, Arizona, Oklahoma and Indian Territory. Before the detailed work of organization was begun, Dr. Leonard Wood was commissioned colonel, and Theodore Roosevelt, then assistant secretary of war, lieutenant-colonel of the regiment.

Within a day or two after it was announced that such a unique command was to be organized, the commanding officers were deluged with applications from every part of the country. While the only organized bodies they were at liberty to accept were those from the four territories, the raising of the original allotment of seven hundred and eighty to one thousand men allowed them to enroll the names of individual applicants from various other sources—from universities, aristocratic social clubs and from men in whose veins flowed some of the most ancient blood in America.

The regiment gathered and was organized at San Antonio, Texas. The bulk of the regiment was made up of men who came from the four Territories. "They were a splendid set of men, these southwesterners," wrote Colonel Roosevelt, "tall and sinewy, with resolute, weather-beaten faces, and eyes that looked a man straight in the face without flinching. They included in their ranks men of every occupation; but the three types were those of the cow-boy, the hunter and the mining prospector—the man who wandered hither and thither, killing game for a living, and spending his life in the quest for metal wealth. In all the world there could be no better material for soldiers than that afforded by these grim hunters of the mountains, these wild rough riders of the plains. They were accustomed to handling wild and savage horses; they were accustomed to following the chase with the rifle, both for sport and as a means of livelihood. Varied though their occupations had been, almost all had, at one time or another, herded cattle and hunted big game. They were hardened to life in the open, and to shifting for themselves under adverse circumstances. They were used, for all their lawless freedom, to the



rough discipline of the round-up and the mining company. Some of them came from the small frontier towns; but most were from the wilderness, having left their lonely hunters' cabins and shifting cow-camps to seek new and more stirring adventures beyond the sea.

"They had their natural leaders—the men who had shown they could master other men, and could more than hold their own in the eager, driving life of the new settlements.

"The captains and lieutenants were sometimes men who had campaigned in the regular army against Apache, Ute and Cheyenne, and who, on completing their service, had shown their energy by settling in the new communities and growing up to be men of mark. In other cases they were sheriffs, marshals, deputy sheriffs and deputy marshals—men who had fought Indians, and still more often had fought relentless war upon the hands of white desperadoes. \* \* \* There was Captain Llewellyn, of New Mexico, a good citizen, a political leader, and one of the most noted peace officers of the country; he had been shot four times in pitched fights with red marauders and white outlaws. There was Lieutenant Ballard, who had broke up the Black-Jack gang of ill-omened notoriety, and his captain, Curry, another New Mexican sheriff of fame. \* \* \* All—easterners and westerners, northerners and southerners, officers and men, cow-boys and college graduates, wherever they came from, and whatever their social position—possessed in common the traits of hardihood and a thirst for adventure. They were to a man born adventurers, in the old sense of the word."

On Sunday, May 29, the regiment broke camp and proceeded by rail to Tampa, Fla., the trip consuming four days. On the morning of June 14 the troops proceeded, on board the transport Yucatan, for Cuba. For six days the thirty or more transports which had left Tampa steamed steadily southwestward, under the escort of battleships, cruisers and torpedo boats. On the morning of June 22 the troops began disembarking at Daiquiri, a small port near Santiago de Cuba, after this and other nearby points had been shelled to dislodge any Spaniards who might be lurking in the vicinity.

Before leaving Tampa the Rough Riders had been brigaded with the First (white) and Tenth (colored) Regular Cavalry under Brigadier-General S. B. M. Young, as the Second Brigade, which, with the First Brigade, formed a cavalry division placed in command of Major-General Joseph Wheeler. The afternoon following their landing they were ordered forward through the narrow, hilly jungle trail, arriving after night-fall at Siboney.

Before the tired soldiers (men who had been accustomed to traveling on horseback all their lives, for the most part, but now compelled to proceed on foot) could recuperate, the order to proceed against the Spanish position was given, and the first actual fighting was on. This was on June 24. During the advance against the Spanish outposts Henry J. Haefner, of Troop G., fell, mortally wounded. This was the first casualty in action. Haefner enlisted from Gallup, New Mexico. He fell without uttering a sound, and two of his companions dragged him behind a tree. Here he propped himself up and asked for his canteen and his rifle, which Colonel Roosevelt handed to him. He then began loading and firing, which he

continued until the line moved forward. After the fight he was found dead.

After driving the enemy from their position at the American right a temporary lull followed. Fighting between the Spanish outposts and the American line was soon resumed, however. A perfect hail of bullets swept over the advancing line, but most of them went high. After a quick charge the enemy abandoned their main position in the skirmish line. The loss to the Rough Riders was eight men killed and thirty-four wounded; the First Cavalry lost seven men killed and eight wounded; the Tenth Cavalry lost one man killed and ten wounded. The Spaniards were under General Rubin. This fight, the first on Cuban soil, is officially known as the Battle of Las Guasimas.

On the afternoon of June 25 the regiment moved forward about two miles and camped for several days. In the meantime General Young was stricken with the fever. Colonel Wood then took command of the brigade, leaving Lieutenant-Colonel Roosevelt in command of the regiment. On June 30 orders were received to be prepared to march against Santiago. It was not until the middle of the afternoon that the regiment took its position in the marching army, and eight o'clock that night when they halted on El Paso hill. Word went forth that the main fighting was to be done by Lawton's infantry, which was to take El Caney, several miles to the right, while the Rough Riders were simply to make a diversion with the artillery.

About six o'clock the next morning, July 1, the fighting began at El Caney. As throughout the entire campaign, the enemy used smokeless powder, which rendered the detection of their location well-nigh impossible. Soon after the beginning of the artillery engagement, Colonel Roosevelt was ordered to march his command to the right and connect with Lawton—an order impossible to obey. A captive balloon was in the air at the time. As the men started to cross a ford, the balloon, to the horror of everybody, began to settle at the exact front of fording. It was a special target for the enemy's fire, but the regiment crossed before it reached the ground. There it partly collapsed and remained, causing severe loss of life, as it indicated the exact point at which other troops were crossing.

The heat was intense, and many of the men began to show signs of exhaustion early in the day. The Mauser bullets drove in sheets through the trees and jungle grass. The bulk of the Spanish fire appeared to be practically unaimed, but the enemy swept the entire field of battle. Though the troopers were scattered out far apart, taking advantage of every scrap of cover, man after man fell dead or wounded. Soon the order came to move forward and support the regulars in the assault on the hills in front. Waving his hat aloft, Colonel Roosevelt shouted the command to charge the hill on the right front. At about the same moment the other officers gave similar orders, and the exciting rush up "Kettle hill" began. The first guidons planted on the summit of the hill, according to Roosevelt's account, were those of Troops G, E and F of his regiment, under their captains, Llewellyn, Luna and Muller.

No sooner were the Americans on the crest of the hill than the Spaniards, from their strong intrenchments on the hills in front, opened a heavy fire, with rifles and artillery. Our troops then began volley firing against the San Juan block-house and the surrounding trenches. As the regulars

advanced in their final assault and the enemy began running from the rifle pits, the Rough Riders were ordered to cease firing and charge the next line of trenches, on the hills in front, from which they had been undergoing severe punishment. Thinking that his men naturally would follow, Colonel Roosevelt jumped over the wire fence in front and started rapidly up the hill. But the troopers were so excited that they did not hear or heed him. After leading on about a hundred yards with but five men, he returned and chided his men for having failed to follow him.

"We did not hear you, Colonel," cried some of the men. "We didn't see you go. Lead on, now; we'll sure follow you."

The other regiments joined the Rough Riders in the historic charge which followed. But long before they could reach the Spaniards the latter ran, excepting a few who either surrendered or were shot down. When the attacking force reached the trenches they found them filled with dead bodies. There were few wounded. Most of the fallen had bullet holes in their heads which told of the accurate aim of the American sharpshooters.

"There was great confusion at this time," writes Colonel Roosevelt; "the different regiments being completely intermingled—white regulars, colored regulars, and Rough Riders. \* \* \* We were still under a heavy fire and I got together a mixed lot of men and pushed on from the trenches and ranch houses which we had just taken, driving the Spaniards through a line of palm trees, and over the crest of a chain of hills. When we reached these crests we found ourselves overlooking Santiago."

Here Colonel Roosevelt was ordered to advance no further, but to hold the hill at all hazards. With his own command were all the fragments of the other five cavalry regiments at the extreme right. The Spaniards had fallen back upon their supports, and our troops were still under a very heavy fire from rifles and artillery. Our artillery made one or two efforts to come into action on the infantry firing line, but their black powder rendered each attempt fruitless. In the course of the afternoon the Spaniards made an unsuccessful attempt to retake the hill. A few seconds' firing stopped their advance and drove them into cover of the trenches.

The troops slept that night on the hill-top, being attacked but once before daybreak—about 3 A. M.—and then for a short time only. At dawn the attack was renewed in earnest. The Spaniards fought more stubbornly than at Las Guasimas, but their ranks broke when the Americans charged home.

In the attack on the San Juan hills our forces numbered about sixty-six hundred. The Spanish force numbered about forty-five hundred. Our total loss in killed and wounded was one thousand and seventy-one.

The fighting continued July 2, but most of the Spanish firing proved harmless. During the day our force in the trenches was increased to about eleven thousand, and the Spaniards in Santiago to upwards of nine thousand. As the day wore on the fight, though raging fitfully at intervals, gradually died away. The Spanish guerrillas caused our troops much trouble, however. They were located, usually, in the tops of trees, and as they used smokeless powder it was almost impossible to locate and dislodge them. These guerrillas showed not only courage, but great cruelty and barbarity. They seemed to prefer for their victims the unarmed attendants, the surgeons, the chaplains and hospital stewards. They fired

at the men who were bearing off the wounded in litters, at the doctors who came to the front and at the chaplains who held burial service.

The firing was energetically resumed on the morning of the 3rd, but during the day the only loss to the Rough Riders was one man wounded. At noon the order to stop firing was given, and a flag of truce was sent in to demand the surrender of the city. For a week following peace negotiations dragged along. Failing of success, fighting was resumed shortly after noon of the 10th, but it soon became evident that the Spaniards did not have much heart in their work. About the only Rough Riders who had a chance for active work were the men with the Colt automatic guns and twenty picked sharpshooters who were on the watch for guerrillas. At noon, on the 11th, the Rough Riders, with one of the Gatlings, were sent over to the right to guard the Caney road. But no fighting was necessary, for the last straggling shot had been fired by the time they arrived.

On the 17th the city formally surrendered. Two days later the entire division was marched back to the foothills west of El Caney, where it went into camp with the artillery. Here many of the officers and men became ill, and as a rule less than fifty present were fit for any kind of work. All clothing was in rags; even the officers had neither socks nor underwear. The authorities at Washington, misled by reports received from some of their military and medical advisers at the front, became panic-stricken and hesitated to bring the army home, lest it might import yellow fever into the United States. The real foe, however, was not yellow fever, but malarial fever. The awful conditions surrounding the army finally led to the writing of the historic "round robin," in which the leading officers in Cuba showed that to keep the army in Santiago meant its complete and objectless ruin. The result was immediate. Within three days orders came to put the army in readiness to sail for home. August 6 the order came to embark, and the next morning the Rough Riders sailed on the transport *Miami* which reached Montauk point, the east end of Long Island, New York, on the afternoon of the 14th. The following day the troops disembarked and went into camp at Camp Wyckoff. The regiment remained here until September 15, when its members received their discharges and returned to civil life.

The names of the Rough Riders from New Mexico, as obtained from the muster-out roll, are as follows:

**FIELD AND STAFF.**—Major, Henry B. Hersey, Santa Fé; First Lieutenant and Quartermaster, Sherrard Coleman, Santa Fé; First Lieutenant and Adjutant, Thomas W. Hall, Lake Valley, on account of disability tendered his resignation, which took effect Aug. 1, 1898.

**HOSPITAL CORPS.**—First Lieutenant, James A. Massie, Santa Fé; Steward, James B. Brady, Santa Fé; Steward, Herbert J. Rankin, Las Vegas.

**Troop A.**—Corporal, George L. Bugbee, Lordsburg; Troopers: Fred W. Bugbee, Lordsburg, wounded in head in battle of San Juan, July 1, 1898; William Bulzing, Santa Fé; Lawrence E. Huffman, Las Cruces; Harry B. Pierce, Central City.

**Troop B.**—Troopers: James A. Butler, Albuquerque; Robert Day, Santa Fé; John C. Peck, Santa Fé; George C. Whittaker, Silver City; Wallace W. Wilkerson, Santa Fé.

**Troop D.**—Troopers: Charles H. Green, Albuquerque; Emmett Laird, Albuquerque; Eugene Schupp, Santa Fé; Theodore Folk, Oklahoma City, N. M. (?), transferred to Troop K. U. S. V. C., May 11, 1898.

**Troop E.**—Captain, Frederick Muller, Santa Fé; First-lieutenant, Wm. E. Griffin, Santa Fé; First-sergeant, John S. Langston, Cerrillos; Quartermaster-sergeant, Royal A. Prentice, Las Vegas; Sergeant, Hugh B. Wright, Las Vegas; Sergeant, Albert M.

Jones, Santa Fé; Sergeant, Timothy Breen, Santa Fé, wounded in arm and sent to hospital July 1, 1898; Sergeant, Berry F. Taylor, Las Vegas; Sergeant, Thomas P. Ledgidge, Santa Fé; Corporal, Harmon H. Winkoop, Santa Fé, wounded in line of duty and sent to hospital July 2, 1898; returned to duty Sept. 4, 1898; Corporal, James M. Dean, Santa Fé, wounded in left thigh, in line of duty, and sent to hospital June 24, 1898; returned to duty Aug. 31, 1898; Corporal, Richard C. Conner, Santa Fé; Corporal, Ralph E. McFie, Las Cruces; Trumpeter, Arthur J. Griffin, Santa Fé; Trumpeter, Edward S. Lewis, Las Vegas; Blacksmith, Robert J. Parrish, Clayton; Farrier, Grant Hill, Santa Fé; Saddler, Joe T. Sandoval, Santa Fé; Wagoner, Guilford B. Chapin, Santa Fé. Troopers: Roll Almack, Santa Fé; John M. Brennan, Santa Fé; Jose M. Baca, Las Vegas; George W. Dettamore, Clayton, wounded in line of duty and sent to hospital July 1, 1898; Freeman M. Donovan, Santa Fé; Wm. T. Easley, Clayton; Frank D. Fries, Santa Fé; Joseph Gisler, Santa Fé; James P. Gibbs, Santa Fé; Wm. R. Gibbie, Las Vegas; John D. Harding, Socorro; Daniel D. Harkness, Las Vegas; Wm. M. Hutchison, Santa Fé; Wm. H. Hogle, Santa Fé; Arthur J. Hudson, Santa Fé; John Hulskotter, Santa Fé; Wm. S. E. Howell, Cerrillos; Thomas L. Hixon, Las Vegas; Thomas B. Jones, Santa Fé; Charles W. Jacobus, Santa Fé; Charles E. Kingsley, Las Vegas; Frank Lowe, Santa Fé; Dan Ludy, Las Vegas; Hyman S. Lowitzki, Santa Fé; James E. Merchant, Cerrillos; Wm. J. Moran, Cerrillos; Samuel McKinnon, Madrid; Charles E. McKinley, Cerrillos, wounded in head in line of duty July 1, 1898; Charles F. McKay, Santa Fé; Frederick A. McCabe, Santa Fé; John C. McDowell, Santa Fé; Amaziah B. Morrison, Las Vegas; Lloyd L. Mahan, Cerrillos; Henry D. Martin, Cerrillos; Otto F. Menger, Clayton, wounded in left side July 1, 1898; Wm. C. Mungor, Santa Fé; Adolph F. Nettleblade, Cerrillos; Thomas Roberts, Golden; John E. Ryan, Santa Fé, wounded July 1, 1898; Ben F. Seaders, Las Vegas; Arthur V. Skinner, Santa Fé; Wm. C. Schneppe, Santa Fé; Edward Scanlon, Cerrillos; Wm. W. Wagner, Bland; George Wright, Madrid; Charles W. Wynkoop, Santa Fé; George W. Warren, Santa Fé; First Sergeant, William E. Dame, Cerrillos, discharged per O. reg. comds., Aug. 10, 1898; Sergeant, Frederick C. Wesley, Santa Fé, wounded July 1, 2 or 3, 1898, and discharged on account of disability Aug. 26, 1898.

*Troop F.*—Captain, Maximilian Luna; First-lieutenant, Horace W. Weakley; Second-lieutenant, William E. Dame, transferred from Troop E to F; First Sergeant, Horace E. Sherman; Sergeants: Garfield Hughes, Thomas D. Tennessy, Wm. L. Mattocks, James Doyle, George W. Armijo, wounded in action June 24, 1898; Eugene Bohlinger, Herbert A. King; Corporals: Edward Donnelly, John Cullen, Edward Hale, Arthur P. Spencer, John Boehnke, Albert Powers, wounded in action July 1, 1898; Wentworth S. Conduit; Farriers: Ray V. Clark, wounded July 1, 2 or 3, 1898; Charles R. Gee; Wagoner, Jefferson Hill; Bugler, Arthur L. Perry, wounded July 1, 2 or 3; all from Santa Fé.

Troopers: H. L. Albers, wounded in action June 24, 1898; Ed. J. Albertson, wounded in action June 24, 1898; James Alexander, Chas. G. Abbott, James F. Alexander, James S. Black, Robert Z. Bailey, wounded in action June 24; Jeremiah Brennan, Walter C. Burris, John H. Bell, Wm. O. Cochran, Calvin G. Clelland, Edward C. Conley, Willard M. Cochran, Charles C. Cherry, Louis Dougherty, John C. De Bohun, Wm. Farley, Will Freeman, wounded July 1; Henry M. Gibbs, wounded July 1; Wm. D. Gallagher, Samuel Goldberg, wounded July 1; Otis Glessner, John D. Green, Albert C. Hartle, wounded June 24; Charles O. Hopping, George Hammer, Stephan A. Kennedy, Charles E. Leffert, Guy M. Lisk, John M. Leach, Thomas Martin, John B. Mills, Herbert P. McGregor, wounded in action July 1; William E. Nickell, Otto W. Nesbit, George W. Newitt, John M. Neal, Charles A. Parmele, Frank T. Quier, Millard L. Raymond, Harry B. Reed, Clifford L. Reed, wounded in action June 24, Charles L. Renner, Edwin L. Reynolds, Arthur L. Russell, Adolph T. Reyer, Albert Rogers, Lee C. Rice, Louis E. Staub, Wm. G. Shields, Arthur H. Stockbridge, George H. Sharland, John G. Skipwith, James B. Sinnott, Edward Tangen, Norman O. Trump, George E. Vinnedge, Louis C. Wardwell, Paul Warren, Charles E. Watrous, Beauregard Weber, John Walsh, Thomas J. Wells; all from Santa Fé. Private James Douglass, Santa Fé, discharged on account of disability. Second-lieutenant Maxwell Keyes, Santa Fé, promoted to adjutant Aug. 1, 1898. Privates transferred from Troop F to I, May 12, 1898: Joseph F. Flynn, Hedrick Ben Goodrich, Walter Hickey, Michael Hogan, Harry Bruce King, George M. Kerney, Louis Larsen, John McCoy, Charles A. Nehmer, Leo G. Rogers, Hyman Rafalowitz, Edwards John Spencer, Carl J. Schearnharst, Jr., Frank Temple, Joseph L. Bawcom.

*Troop G.*—Captain, William H. H. Llewellyn, Las Cruces; First-lieutenant, John Wesley Green, Gallup; Second-lieutenant, David J. Leahy, Raton, on sick list from July 1 to Sept. 3, from wound received in San Juan battle; First-sergeant, Columbus H. McCaa, Gallup; Q.-M. Sergeant, Jacob S. Mohler, Gallup; Sergeants: Rolla A. Fullenweiden, Raton; Matthew T. McGehee, Raton; James Brown, Gallup; Corporals: Henry Kirah, Gallup; James D. Ritchie, Gallup; Luther L. Stewart, Raton, wounded in battle June 24; John McSparron, Gallup, wounded July 1; Frank Briggs, Raton; Edward C. Armstrong, Albuquerque; William S. Reid, Raton; Hiram E. Williams, Raton; Farrier, George V. Haefner, Gallup; Saddler, Frank A. Hill, Raton; Wagoner, Thomas O'Neal, Springer; Trumpeters, Willis E. Somers, Raton; Edward G. Piper, Silver City.

Troopers: Alvin C. Ash, Raton, absent from July 1 to Sept. 7 on account of wound received in battle; Arthur T. Anderson, Albuquerque; Robert Brown, Gallup; John J. Beissel, Gallup; Clويد Camp, Raton; Marion Camp, Raton; Thomas F. Cave-nough, Raton, wounded June 24; Michael H. Coyle, Raton, wounded June 24; Frederick Fornoff, Albuquerque; Wm. C. Gibson, Gallup; John Goodwin, Gallup; John Henderson, Gallup, absent July 1 to Sept. 2 on account of wounds; Albert John Johnson, Raton; John S. Kline, San Marcial; Bert T. Keeley, Lamy; Elias M. Littleton, Springer; Fred P. Meyers, Gallup, reduced from 1st sergt. to trooper on account of absence caused by wound received in battle July 1; Daniel Moran, Gallup; John Noish, Raton; T. W. Phipps, Bland; Archibald Petty, Gallup; George H. Quigg, Gallup; Walter D. Quinn, San Marcial; Wm. Radcliff, Gallup; Richard Richards, Albuquerque; Robert W. Reid, Raton, absent from June 24 to Sept. 8 on account of wounds; George Roland, Deming, wounded June 24; Charles M. Sim-mons, Raton; Charles W. Shannon, Raton; Neal Thomas, Aztec; Grant Travis, Aztec; Richard Whittington, Gallup; Lyman E. Whited, Raton; William D. Wood, Bland; Clarence Wright, Springer. George D. Swan, Gallup, and Frank M. Thomp-son, Aztec, discharged on account of disability. Samuel T. McCulloch, Springer, deserted from camp at Tampa, Fla., Aug. 4, 1898. Eugene A. Lutz, Raton, died in yellow fever hospital, Aug. 15, 1898. Henry J. Haefner, Gallup, killed in battle June 24. Transferred to Troop I May 12: Sergeant Henry J. Arendt, Gallup; Troopers, Henry C. Bailie, Gallup; Wm. J. Love, Raton; Evan Evans, Gallup; Oscar W. Groves, Raton; Wm. H. Jones, Raton; John H. Tait, Raton; Harry Peabody, Raton; Alexander McGowan, Gallup; John Brown, Gallup; Joseph B. Crockett, Raton.

*Troop H.*—Captain, George Curry, Tularosa; First-lieutenant, William H. Kelly, Las Vegas; Second-lieutenant, Charles L. Ballard, Roswell; Sergeants, Nevin P. Gutilius, Tularosa; Oscar de Montell, Roswell; Michael C. Rose, Silver City; Nova A. Johnson, Roswell; Corporals, Marton M. Morgan, Silver City; Arthur E. Will-iams, Las Cruces; Frank Murray, Roswell; Morgan O. B. Llewellyn, Las Cruces; James C. Hamilton, Roswell; Charles P. Cochran, Eddy; Trumpeter, Gaston R. Dehumy, Santa Fé; Farrier, Robert L. Martin, Santa Fé; Wagoner, Taylor B. Lewis, Las Cruces.

Troopers: Albert B. Amonette, Roswell; Columbus L. Black, Las Cruces; John B. Bryan, Las Cruces; Frank Bogardus, Las Cruces; Thomas F. Corbett, Roswell; John S. Cone, Tularosa; Abel B. Duran, Silver City; Jose L. Duran, Santa Fé; Lewis Dorsey, Silver City; George B. Doty, Santa Fé; Frederick W. Dunkle, Las Vegas; Arthur L. Douglas, Eddy; Frank A. Eaton, Silver City; Augustus C. Fletcher, Silver City; James B. Grisby, Deming; James M. Hamilton, Deming; Leary O. Herring, Silver City; Robert C. Houston, Hillsboro; Amandus Kehn, Silver City; Frank H. Lawson, Las Cruces; John Lannon, Hillsboro; Thomas A. Mooney, Silver City; George F. Murray, Deming; Charles H. Ott, Silver City; Lory H. Powell, Ros-well; Norman W. Pronger, Silver City; John F. Pollock, Tularosa; Alexander M. Thompson, Deming; Daniel G. Waggoner, Roswell; Curtis C. Waggoner, Roswell; Patrick A. Wickham, Socorro. Sergeant William L. Rynerson, Las Cruces, dis-charged by reason of special order U. S. Army. Transferred to Troop I May 12, 1898: Sergeant John V. Morrison, Santa Fé; Privates, Robert E. Lee, Donahue; C. Darwin Casad, Las Cruces; Numa C. Fringer, Las Cruces; George Schafer, Pinos Altos; Morris J. Storms, Roswell. Edwin Eugene Casey, Las Cruces, died in hos-pital at Camp Wyckoff, N. Y., Sept. 1, 1898. Samuel Miller, Roswell, deserted from Tampa, Fla., June 28, 1898.

*Troop I.*—First-lieutenant, Frederick W. Wintge, Santa Fé; First-sergeant, John B. Wylie, Fort Bayard; Sergeant, William H. Waffensmith, Raton; Corporals: Numa

C. Frenger, Las Cruces; William J. Sullivan, Silver City; William J. Nehmer, Silver City; Hiram T. Brown, Albuquerque; Trumpeter, Robert E. Lea, Doña Ana.

Troopers: Horton A. Bennett, Tularosa; Frank C. Brito, Pinos Altos; Charles D. Casad, Mesilla; George M. Coe, Albuquerque; Henry C. Davis, Santa Fé; Thomas P. Dolan, Pinos Altos; Robert W. Denny, Raton; Evan Evans, Gallup; Joseph F. Flynn, Albuquerque; John R. Gooch, Santa Fé; Oscar W. Groves, Raton; Hedrick Ben Goodrich, Santa Fé; Ernest H. Hermeyer, Roswell; William H. Jones, Raton; Cal Jopling, La Luz; Harry B. King, Raton; Alexander McGowan, Gallup; Ben F. T. Morris, Raton; Roscoe E. Moore, Raton; Harry Peabody, Raton; John P. Roberts, Clayton; Louis Larsen, Santa Fé; Carl J. Schearnhorst, Jr., Santa Fé; George Schafer, Pinos Altos; John H. Tait, Santa Fé; John L. Twyman, Raton; Harry B. Wiley, Santa Fé; Roy O. Wisenberg, Raton.

*Troop K.*—First-sergeant, Frederick K. Lee, Organ. Troopers: William C. Bernard, Las Vegas; Stephen Easton, Santa Fé, transferred to Troop H, July 15, 1898. Private, Joseph L. Duran, Santa Fé.

Under the second call for volunteers in the war with Spain, a regiment, popularly known as the "Big Four," was organized from Arizona, New Mexico, Oklahoma and Indian Territory, and became a part of the First Army Corps, commanded by Major General James H. Wilson, and the Third Brigade, commanded by Brigadier-General John N. Andrews. The New Mexico battalion went to Whipple Barracks, where it was joined by the Arizona contingent, and two months later proceeded to Camp Hamilton, Lexington, Kentucky, where the regiment was completed by the arrival of the Volunteers from Oklahoma and Indian Territory. Thence they were ordered to Camp Churchman, Albany, Georgia, where the fortunes of war caused them to remain until finally mustered out in February, 1899. The regiment was made up entirely of western men, and from every trade and profession. Each company enlisted up to 140 and 150 men, and by selection was brought down to the required number.

Company E of this regiment was mustered in at Albuquerque, July 8, 1898, its officers being: Captain, John Borradaile; 1st lieutenant, L. H. Chamberlain; 2d lieutenant, L. A. McRae; 1st sergeant, A. H. Norton; quartermaster sergeant, John Munn.

Company F was mustered in at Las Vegas July 8, 1898. Officers: Captain, W. C. Reid; 1st lieutenant, W. O. Morrison; 2d lieutenant, A. Luntzel; 1st sergeant, E. Sporleder; quartermaster sergeant, G. C. Palmer.

Company G, mustered in at Santa Fé July 13, 1898, had the following officers: Captain, William Stover; 1st lieutenant, Page B. Otero; 2d lieutenant, J. P. S. Mennett; 1st sergeant, D. Pearce; quartermaster sergeant, T. F. Kyle.

Company H, mustered in at Las Cruces, July 17th, was officered: Captain, A. B. Fall; 1st lieutenant, J. W. Catron; 2d lieutenant, N. E. Bailey; 1st sergeant, John G. Bagley; quartermaster sergeant, Llewellyn A. Her-ring.

Major W. H. H. Llewellyn, United States attorney for New Mexico, was born in Wisconsin in 1851 and is of Welsh ancestry. He was educated in the common schools of Monroe, Green County, Wisconsin, and took up the study of law in Omaha, Nebraska, under the direction of the firm of O'Brien & Baldwin, while later he continued his reading with Judge Briggs as his preceptor. In 1866, when but fifteen years of age, he went to Montana and engaged in prospecting for gold for seven years. Later he was variously employed in other western states and territories. He

came to New Mexico in 1881 as agent for the Mescalero Apache Indians and the following year was agent for the Jicarilla Apaches, whom he removed to the Mescalero reservation in 1883. He served altogether as Indian agent for five years. In 1885 he removed to Las Cruces and the following year was admitted to the bar in that place. Subsequently he was admitted to practice in the supreme court of the territory of New Mexico and in the supreme court of the United States. Following his admission to the bar at Las Cruces he became a law partner of Colonel W. L. Ryner-son and E. C. Wade. He was territorial and prosecuting district-attorney for the five southern counties of New Mexico for five years, immediately prior to January, 1906, at which date he was appointed United States district attorney for the territory of New Mexico and has acted in that capacity since February, 1906.

Mr. Llewellyn is a stalwart Republican and socially is a Mason, Odd Fellow and Elk. He has a most creditable military record in connection with the First Regiment of United States Volunteer Cavalry. He went into service with that regiment as captain of troop G, and when the regiment sailed from Tampa, Florida, on the Shafter expedition for Cuba, Lieutenant-Colonel Roosevelt accompanied the regiment with the above rank and as acting major in command of the second squadron. When the lieutenant-colonel was promoted to colonel, Mr. Llewellyn succeeded him (Colonel Roosevelt) with the rank of major in command of the second squadron, receiving his promotion from Roosevelt and holding that rank until the regiment returned to Montauk Point, Long Island. It was after the surrender that he was sent into the city by Colonel Roosevelt, where he contracted yellow fever. When the regiment was mustered out he was honorably discharged with an endorsement, upon his discharge written by Colonel Roosevelt, as follows:

#### BATTLES AND ENGAGEMENTS.

Las Guasimas, San Juan Hills and the fighting in and about Santiago de Cuba. Commanded his troop, leading same in all of the charges in person. An excellent soldier. Both in duty and fighting.

(Signed) THEODORE ROOSEVELT.

His appointment as major was conferred by general order No. 87, issued by General Bates, U. S. A.

Major Llewellyn's son Morgan is surveyor-general of New Mexico, and has held the position for the past six years. He also served under Colonel Roosevelt in the Spanish war.

Major Llewellyn held the position of judge advocate general of the national guard under Governor Otero of New Mexico, and upon Governor Hagerman becoming governor in 1906, he appointed him to the same position with the rank of colonel.

Major Frederick Muller, who since December 26, 1901, has filled the position of receiver of the United States land office at Santa Fé, was born in Würtemberg, Germany, in 1863, but has made his home in the United States since 1879. In 1882 he enlisted in the Sixth United States Cavalry, with which he served in New Mexico and Arizona for five years, participating in the first campaign against the Apache Indians. In 1888 he located in Santa Fé and engaged in merchandising. He served two terms as a member of the board of education of that city, and in 1896 was elected the



treasurer and collector of Santa Fé county as the nominee of the Republican party, while in 1900 he was re-elected. Since December, 1901, he has occupied his present position continuously, having been reappointed thereto in December, 1905.

During the early days of Governor Otero's first administration the latter commissioned him major in the New Mexico National Guard. Upon the outbreak of the Spanish-American war he received from the governor a commission as captain of Troop E of the Rough Riders under date of April 25, 1898, and served with distinction throughout the campaign of that famous regiment in Cuba. Upon the recommendation of the proper authorities in the United States army he was brevetted major in 1899 for meritorious service in the Cuban campaign. It is a fact worthy of note that upon the occasion of his recommendation for the office of treasurer of Santa Fé county, the Democratic party refused to nominate a candidate to contest the honor with him. He is regarded as one of the most painstaking public officials in New Mexico.

Etiennede de Pelissier Bujac, a member of the Carlsbad bar, was born in Maryland and was reared and educated in Houston, Texas. He pursued his professional course in Cumberland University at Lebanon, Tennessee, from which he was graduated in the class of 1896. He located for the practice of law at Houston, Texas, and while there joined the First Infantry of United States Volunteers as captain of Company H, serving under General Shafter in the Spanish-American war. He afterward enlisted as a private of the Thirty-third Infantry United States Volunteers and was promoted at the battle of San Jacinto to the office of second lieutenant, while upon his return from the Philippines he was commissioned first lieutenant. Resigned the army in 1901 to practice his profession.

## HISTORY OF THE STATEHOOD MOVEMENT

The movement to form a state government in 1850 failed of official recognition, and with the passage of the organic act of September 9, 1850, the agitation for statehood was quieted and the immediate needs of the territory were provided for. But with the influx of settlers, the development of the Territory's material and industrial resources, and the growing dignity and importance of her citizenship and affairs, the statehood movement has been revived from time to time, and will never stop until its essential objects are attained.

The movement may be said to have begun in 1861. Since that time resolutions of the legislature, statehood conventions, memorials of various bodies, and newspaper and individual agitation of the question have been frequent. During the later sixties efforts were made to secure the admission of the territory under the name of "Lincoln."

By an act of the legislature, approved February 3, 1870, it was provided that the question of the adoption of a state constitution and the election of state officers be submitted to a vote of the people of the Territory on the first Monday of October following. The legislature also adopted a joint resolution providing for the drafting of a proposed constitution, in the preamble to which it was recited that "the sufferings of the people of the Territory of New Mexico have no bounds," and that "whilst we remain as a territorial government, under the pupilage, and entirely dependent upon the patronage of the general government, our sufferings will be the same as we have heretofore experienced."

On February 1, 1872, the governor signed another bill providing for submitting the state constitution drawn up at a previous convention, to a popular vote on the first Monday in June following. It was further provided that should the vote be in favor of the constitution a general election should be held on the first Monday in July for the election of state officers. But the vote was not received in time to be legally counted before the period expired, and this movement came to naught.

In 1875 both New Mexico and Colorado were making a desperate fight in Congress for statehood rights, Stephen B. Elkins representing this Territory as delegate. During a speech on the "force bill" by Julius Caesar Burrows of Michigan, then a member of Congress, Mr. Elkins came out of the House cloak-room after Mr. Burrows had finished his speech and, not knowing the subject under discussion, rushed up to the latter and shook his hand heartily, congratulating him on his great speech. Mr. Elkins had secured the promise of the votes of seventeen representatives from the southern states to take his bill from the table, after conference, to pass it; it was understood that Colorado would not come into the Union, but that New Mexico would. The gentlemen who had agreed to vote for Elkins' bill, seeing him shake Burrows' hand, gnashed their

teeth in anger, and said: "If those are your sentiments, you will not have our votes to bring New Mexico into the Union."

Thus was all hope for the passage of the enabling act killed, at a time when sentiment in favor of statehood rights for this Territory was increasing, and before the "special interests" had become so varied and important as in later years.

A legislative memorial to Congress in 1876, asking the admission of New Mexico as a state, began by citing guarantees of the treaty of Guadalupe Hidalgo, and asserted that "at every session of the Congress of the United States since the organization of New Mexico as a territory, her citizens \* \* \* have asked and sought admission as a state into the Union; that they have patiently and without complaint watched the action of the government in admitting into the Union several other territories as states, with much less population, and still less to recommend them than the Territory of New Mexico has been able to present. Your memorialists are confident that New Mexico possesses more than the requisite population, with abundant means and resources to entitle her to admission as a state; \* \* \* that during the last five years, since the taking of the last census, owing to the fact that peace from Indian hostilities has reigned in New Mexico, her population has been increased more than fifty per cent, and her material wealth advanced three-fold; her lands are fast being explored and occupied by the very best of citizens from all portions of the Union and Europe, which is fast transforming her from a wilderness into a garden."

The memorial concluded with a protest against further discrimination against New Mexico and urged that the Territory be admitted as a sovereign state.

A bill was introduced in the house February 24, 1888, by Representative W. M. Springer of Illinois, providing for the admission to statehood of the territories of Dakota, Montana, Washington and New Mexico. The bill provided for an election of delegates to a constitutional convention to assemble at Santa Fé on the first Tuesday in September, 1888, the constitution then prepared to be submitted to a vote of the people at the regular election in November following. All the state officers and a representative in Congress were to be elected on the same day. The bill authorized the election of seventy-five delegates to the convention, the Territory to be divided into twenty-five districts, with three delegates to each district. The bill made a liberal appropriation of public lands to the Territory, granting sections 16 and 36 of each township for the support of the common schools, fifty sections for the erection of public buildings, ninety sections for agricultural colleges, seventy-two sections for the establishment of a state university, two hundred and fifty thousand acres for the establishment of permanent water reservoirs for irrigation purposes, and fifty thousand acres each for an insane asylum, normal schools, and reform school. It also provided that the convention should submit to the people the proposition to change the name of the new state to Montezuma.

Strange to say, scarcely any mention of the bill, pro or con, is to be found in the newspapers of that time. Springer introduced the same bill in the next session of Congress and made a strong fight on it.

Soon after the convening of the twenty-eighth legislative assembly,

in January, 1889, the contest for statehood, which had been waged continually in Congress since 1850, was renewed with great vigor.

George W. Prichard, member of the council from San Miguel county, introduced a bill making provision for the holding of a constitutional convention, and this bill became a law without the signature of Governor Ross under the statute of limitation. The law called a delegate convention at Santa Fé September 3, 1889, "for the purpose of framing a constitution republican in form, and performing all other things essential and requisite for the Territory's admission into the Union as a state. It provided that the convention should be composed of seventy-three delegates, apportioned among the several counties as follows: Bernalillo, ten delegates; Colfax, four; Doña Ana, three; Grant, three; Lincoln, three; Mora, four; Rio Arriba, six; San Miguel, twelve; Santa Fé, six; San Juan, two; Sierra, two; Socorro, six; Taos, six; Valencia, six.

Any new county organized sixty days before the election of delegates was entitled to one delegate. The law further provided that, "After a constitution shall have been adopted by the said convention, it shall provide by ordinance for a special election by the people of the Territory, at which election the constitution so adopted by the convention shall be submitted to the people for ratification, and at which election all of the state officers provided for in the constitution, as well as members of Congress and members of the legislature, shall be chosen, but the name of the proposed state shall be New Mexico."

The convention was in session from September 3 to 21, and adopted a constitution, but Congress did not act upon the proposal in accordance with the manifest desire of the people of the Territory. This constitution was framed by Bernard S. Rodey, member of the council for Bernalillo county, and formed the ground work of the proposed constitution which was submitted to the Fifty-ninth Congress during the memorable state contest of 1905 and 1906. Among the provisions in its "Bill of Rights" were the following:

No person holding office under the state should accept any office, title, emolument or present from any king, prince or foreign state. There should be no imprisonment for debt, except in case of fraud. All lotteries or sale of lottery tickets were prohibited. Bigamy and polygamy were forever prohibited. No officer or person authorized to appoint any person to office any person related to him by blood or marriage within the fourth degree of consanguinity, according to the civil law rule of computation. Householders were exempted from levy and forced sale in residence property to the value of not less than twenty-five hundred dollars.

The constitution further provided for a legislature consisting of a senate of twenty-four members and a house of representatives of forty-six members, unless otherwise fixed by law, the senators to be elected for four years and the representatives for two years. Members of the legislature were prohibited from holding any other civil office. During the term for which he was elected and for one year thereafter every member was forbidden to become interested in any contract with the state or any county authorized by any law passed during such term. A great variety of "special" legislation was forbidden.

The executive department was vested in a governor, lieutenant governor, secretary of state, auditor of public accounts, state treasurer, at-

torney-general and superintendent of public instruction, all to be elected by popular vote. The judicial department was vested in a supreme court, district courts, probate courts, justices of the peace and such inferior courts as the legislature might establish. Supreme court justices were to be appointed by the governor, with the consent of the senate. Twelve months' residence in the state was necessary to the exercise of the elective franchise. Provision was made for the establishment of a common school system, but no reference was made to the elimination of instruction in the Spanish language in the schools. Provision was made for the imposition of a tax upon incomes in excess of two thousand dollars a year; and a poll tax not exceeding one dollar, for the support of the public schools. The provisions regarding regulation of corporations were very stringent. One section declared: "No railroad, telegraph, express or other corporation, or the lessees or managers thereof, shall consolidate its stock, property or franchise with any other \* \* \* corporation owning or having under its control a parallel or competing line."

Article XVIII, New Mexico's "Compact with the United States," contained these declarations and promises:

Section 1. The state of New Mexico is an inseparable part of the federal union, and the constitution of the United States is the supreme law of the land.

Sec. 2. The legal debts and liabilities of the Territory of New Mexico shall be assumed and paid by this state.

Sec. 3. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship, nor shall any preference be given by law to any religious establishment. No religious test shall be required for any office or for any vote at any election; nor shall any person be incompetent to testify on account of his or her opinions on matters of religious belief, nor be questioned in any court touching such opinions so as to affect the weight of his or her testimony.

Sec. 4. The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and the lands lying within said limits owned by or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands or other property belonging to citizens of the United States residing within the state shall never be taxed at a higher rate than the lands or other property belonging to residents thereof; that no taxes shall be imposed by the state on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person or source a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus taxed from taxation; but all such lands shall be exempt from taxation by this state so long and to such extent as such act of Congress may prescribe.

Sec. 5. Provision shall be made for the establishment of a system of public schools, which shall be open to all the children of this state, and free from sectarian control, and no other or different schools shall receive any aid or support from the public treasury.

Sec. 6. The ordinances and provisions in this article contained are hereby declared to be irrevocable without the consent of the United States and the people of this state.

The contest for statehood for New Mexico was renewed with great vigor in the Fifty-seventh Congress and again in the Fifty-eighth Congress under the leadership of Bernard S. Rodey, delegate from New

Mexico. The magnificent efforts of Mr. Rodey were continued in the Fifty-ninth Congress, still under his leadership, though the Territory was represented in that session by William H. Andrews. The latter, however, deferred to his predecessor in the conduct of the fight, so far as the representation of New Mexico was concerned, on account of Mr. Rodey's greater familiarity with the question and his years of devotion thereto. In all the history of this movement, covering a period of over half a century, during which over fifty different measures toward this end were introduced in Congress, Mr. Rodey undoubtedly made the most valiant, determined and convincing series of arguments in behalf of the demand of the people of New Mexico that the country had ever witnessed. The Fifty-ninth Congress, at the behest of President Roosevelt and in response to the recommendations made in his annual message to that body, after an investigation into the political and social conditions in New Mexico and Arizona made by a Congressional committee, of which United States Senator Beveridge was chairman and chief inquisitor, determined upon joint statehood for the two territories, under the name of Arizona, if state rights were to be conferred at all upon either or both territories. The paragraph in the President's message recommending this measure read as follows:

"I recommend that Indian Territory and Oklahoma be admitted as one state, and that New Mexico and Arizona be admitted as one state. There is no obligation upon us to treat territorial subdivisions, which are matters of convention only, as binding us in the question of admission to statehood. Nothing has taken up more time in the congress during the past few years than the question as to the statehood to be granted to the four territories above mentioned, and, after careful consideration of all that has been developed in the discussion of the question, I recommend that they be immediately admitted as two states. There is no justification for further delay, and the advisability of making four territories into two states has been clearly established."

This proposition aroused the bitterest feelings on the part of special interests in Arizona—especially on the part of great mining corporations, lumbering interests and others which, under a territorial form of government, irresponsible to the mass of people, had been enabled to carry on their business without paying a just proportion of the taxes—although a large proportion, probably the majority, of the voters and property-holders of that Territory favored statehood at any price and in any form.

The opposition of these special interests, while directed ostensibly against joint statehood, was generally understood to be against statehood in any form. The question of "Mexican domination" in politics was raised at the beginning. The vastness of the extent of the combined territories was injected into the argument. The actual reasons prompting the opponents of jointure were most carefully kept from view by the representatives of Arizona, though repeatedly exposed by the advocates of jointure. The opposition of the great railroad interests, chiefly the Southern Pacific and the Atchison, Topeka & Santa Fé, while not exhibited openly, was nevertheless so apparent that every member of Congress understood that feature of the question.

Every possible effort to defeat the measure was made in the Senate by Joseph B. Foraker of Ohio, who adopted tactics to accomplish his design that were dramatic in the extreme. At the various hearings that were

held before the committee on territories, Mr. Rodey presented the claims of New Mexico in a manner that won many friends for the measure in Congress.

The bill considered by the Fifty-ninth Congress, originating in the House, provided for the admission of Oklahoma and Indian Territory as one state under the name of Oklahoma, and of New Mexico and Arizona as one state under the name of Arizona. Some of the principal features of that portion of the bill relating to New Mexico and Arizona were as follows:

The constitution "shall be republican in form and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed." They are not citizens, and the new state should not be required to treat them as such until they shall emerge from a condition of wardship and become full-fledged citizens.

"The capital of the state shall temporarily be at the city of Santa Fé; and shall not be changed therefrom before 1915, but that the permanent location of said capital may after such year be fixed by the electors of said state."

The section which exempted all mineral lands from grants made by this act and providing for the selection by the state of an equal quantity of other unappropriated lands of the state in lieu thereof, provided that such selection should be made by a commission, under the direction of the secretary of the interior.

An amendment incorporated by the House committee increased the appropriation for the constitutional convention of the proposed state from \$150,000 to \$175,000, with further provision that any expense incurred in excess of said sum of \$175,000, instead of \$150,000, as is provided in the House bill, shall be paid by said state.

In reporting the House bill to the Senate, Charles Dick, senator from Ohio, chairman of the Senate committee on territories, said: "The House of Representatives acted favorably upon that recommendation and has passed a bill in accordance therewith. Your committee on territories makes the same recommendation. It has been the well-understood policy of this government since the formation of the Union to treat the territorial condition as temporary only, a sort of preparation for admission into the full bond of union and the responsibilities of statehood as soon as the time has been reached when the applicant can take its place in the family with sufficient area and population, and possessing not only the possibility, but the probability, of being a worthy member of the Union. As the time comes when a boy should be thrown on his own resources to develop his capabilities and to show the material that is in him in order that he may attain the full stature of self-reliant independence, so the time comes when a Territory within the Union should be granted statehood in order that it may assume the responsibility of self-government."

New Mexico had been asking for admission to the Union for half a century. Over fifty bills had been introduced in the two houses looking to that end, and seventeen of these bills had passed one body seventeen times, and both bodies three times. In the Forty-third Congress, in 1874, a bill for the admission of New Mexico passed both Houses by more than three-fourths majority, but was lost in conference.

According to the Senate committee report, "some of the bitterest op-

position on the part of Arizona to joint statehood with New Mexico is the alleged fear of being Mexicanized, as they call it, by the more numerous population of the latter Territory. What they complain of especially is the presence on juries of Mexicans who cannot speak English and require an interpreter. One witness even goes further and fears that the population of New Mexico, being controlling, might make the Spanish language the court language of the whole of the new state. Such an extreme view, of course, is absolutely ridiculous, for these same witnesses holding these extreme views cannot explain why if the foreign element predominates in New Mexico they speak the English tongue and compel English to be taught in their schools. Another witness says that they desire in Arizona to carry on their procedure in their courts in the English language, and do not wish to be compelled to have upon their juries people who do not speak or understand English. He says, 'We derive our procedure from the common law, while New Mexico conducts her legal affairs under the civil law, which is in existence there today.' This sounds like an echo of the objection raised thirty years ago, that Colorado would be a Mexican state, while, as a matter of fact, there is not a state in the Union today which is more truly American in all the elements which go to make up a great commonwealth than is Colorado. The fear of Mexican domination is an utterly groundless one."

"If there are any interests in Arizona and New Mexico which are enjoying special privilege by reason of their low taxation, it is natural to look for these interests in the ranks of those who oppose a statehood bill. One of the transcontinental lines extending across the state a distance of nearly 400 miles pays to the territory \$175 per mile in lieu of all other taxes. This annual payment per mile represents a two per cent tax rate upon a valuation of \$5,833.33 per mile. This same railroad, when it crosses the boundary line into California, is taxed at the rate of \$14,000 per mile, and another railroad, which is assessed for taxation in New Mexico at about \$7,000 per mile, when it crosses the line from New Mexico into Texas, is taxed by that state at \$17,000 per mile. More than that, a census bulletin says that these railroads have a commercial value of \$39,000 per mile.

"A similar undervaluation exists in the case of mining properties. The governor of Arizona, in his annual report, says it is conceded by estimates made by the most conservative experts that the mines of that territory have not been assessed in the aggregate at five per cent of their value. The actual value of the railroads in Arizona, as going concerns, is estimated to be about \$68,000,000. They are assessed for taxation at about six millions, or about nine per cent. In the territory of New Mexico the figures are eighty-six millions and eight millions, showing the value for taxation is, in both territories, about nine per cent of the actual value. This proportion between the actual value and the tax value in the case of Arizona mining properties is even more disproportionate. One mine whose annual output is said to be \$3,000,000 is assessed for taxation at less than \$1,000,000. The great lumber interests in these territories are opposed to joint statehood, and it is charged that their properties are grossly undervalued for purposes of taxation. The stock raisers, whose cattle graze unchecked over the wide public domain of these two territories, are naturally opposed to the bill, because it would put a stop to their free use of the public domain."

The recommendation of the committee was summarized as follows:

"We believe that the promise of statehood made to the people of these two territories nearly sixty years ago should now be kept. The territorial condition is temporary and should be terminated at the earliest practicable moment. We believe that every acre of this broad country, stretching from the Atlantic to the Pacific, and extending from Mexico to Canada, should be on an equal footing and enjoy equal opportunities under the law. We believe no discrimination should be made



against the citizens of any section or corner of this broad area. We believe the time has come when every square mile of this territory should enjoy the privileges of statehood and be represented in this body. The time has come to settle, and to settle forever, the status of these territories and of their inhabitants. Arizona has not qualified itself for statehood, and the only alternative is to join it to New Mexico. Arizona has not now the population which entitles it to admission, and it is doubtful if it ever will. It would be at least unfair, if not injurious, to the interests of the Union and to the interests of the people of these United States to admit the present territory of Arizona on an equal footing with the other states."

Social, political and industrial conditions in New Mexico during the agitation of the statehood question in the Fifty-ninth Congress were more fully set forth, by a great variety of witnesses than at any previous time during the history of the Territory. It was shown that dissatisfaction with the federal census returns was a very common complaint. Prosperous, thriving cities and communities are rarely satisfied with the official figures of population. By the census of 1900 Arizona was given 122,212 people and New Mexico 193,777. Arizona now claims 175,000 and New Mexico 350,000. Both claims are probably exaggerated. The director of the census estimates that on July 1, 1905, Arizona had 140,000 people, and 225,000 was probably about the number of people living in New Mexico at that time. By the last census Arizona had 26,480 Indians, 1,419 Chinese, and 24,233 foreign born—over 40 per cent of the total population. New Mexico had 13,144 Indians, 341 Chinese, and only 13,567 foreign born—less than 15 per cent of the population.

The annual reports of the agents of the Bureau of Indian Affairs show an Indian population in 1904 of 38,567 in Arizona and 17,064 in New Mexico, indicating a much more rapid increase in the Indian population in Arizona than in New Mexico. Arizona, by the last census, contained 14,172 people born in Mexico, while New Mexico had only 6,649, or less than one-half as many. If the census estimate of 140,000 people living in Arizona in 1905 is correct, and we deduct therefrom the Indians reported there in 1904 and the Chinese living there, barely 100,000 people are left who were or could be full-fledged American citizens, and this number is only about one-half the congressional ratio. Arizona, by the last census, had 1.1 person to the square mile, New Mexico 1.6 persons.

At the last federal census New Mexico had approximately the congressional ratio, and Arizona had about half the number, excluding Indians not taxed. Arizona, however, had increased in the decade about twice as much, proportionately, as New Mexico, having a growth of 39.3 per cent to 21.9 per cent in New Mexico. In both territories, however, the density of population was only little over one person to the square mile. New Mexico had 166,946 native white born inhabitants and 13,625 foreign born, to 70,508 native white born in Arizona and 24,233 foreign born. In other words, New Mexico had 93 per cent native born and 7 per cent foreign born to 80.3 per cent native born in Arizona and 19.7 per cent foreign born. The foreign born white population in New Mexico was 6.8 per cent, where the figure had stood for a decade, to 18.2 per cent foreign white population in Arizona. The native whites born and living in New Mexico constitute 78 per cent of the population, while those in Arizona were only 38.1 per cent of that population. The foreign-born constitute 7

per cent of the population of New Mexico and 19.7 per cent of the population of Arizona. Those born of foreign parentage constitute 16.2 per cent of the population of New Mexico and 40.9 per cent of the population of Arizona. The foreign-born males over 21 who could not speak English were 2,833 in New Mexico to 4,911 in Arizona. The native whites born and living in the Territory constitute 78 per cent of the population of New Mexico and 38.1 per cent of the population of Arizona.

The official figures issued by the United States Bureau of Statistics for 1903 show the following:

Wheat production: Arizona, 483,964 bushels, worth \$450,087; New Mexico, 822,701 bushels, worth \$617,026. Corn production: Arizona, 194,925 bushels, worth \$175,432; New Mexico, 956,688 bushels, worth \$717,516. Oat production: Arizona, 64,468 bushels, worth \$39,325; New Mexico, 345,147 bushels, worth \$213,991. Barley crop: Arizona, 555,107 bushels, worth \$399,677; New Mexico, 20,282 bushels, worth \$12,980. Hay crop: Arizona, \$2,855,132; New Mexico, \$1,796,948. Irish potatoes: Arizona, none; New Mexico, \$94,785. Wool production: Arizona, 4,387,500 pounds; New Mexico, 16,250,000 pounds. Total value of production of wheat, corn, oats, barley, rye, hay and potatoes: Arizona, \$3,919,653; New Mexico, \$3,453,246. Value of horses and mules on farms: Arizona, \$3,095,484; New Mexico, \$2,207,322. Arizona had 10,000,000 cattle in 1903, New Mexico 14,000,000. Arizona had over a million sheep, New Mexico nearly four million. The total value of animals in Arizona was \$16,000,000, New Mexico nearly twenty-four millions.

In 1902 Arizona produced \$4,000,000 worth of gold; New Mexico only half a million.

Arizona also produced nearly \$4,000,000 worth of silver, and New Mexico half a million. On the other hand, New Mexico mined nearly a million tons of coal in 1902, while none is credited to Arizona. The total product of the mines of Arizona the past fiscal year is put at \$30,000,000—over half the entire wealth produced. In New Mexico mining ranks third in importance of her interests.

In 1903 Arizona had eleven national banks and New Mexico nineteen; the capital stock, \$605,000 to \$1,162,000; individual deposits, \$3,355,000 to \$5,562,000. Total resources of all banks, \$11,000,000 to \$10,600,000.

On June 30, 1903, Arizona had a railroad mileage of 1,680½ miles. The last annual report of the Interstate Commerce Commission placed the figure, on June 30, 1904, at 1,751.35 miles. The estimate of the governor of the Territory, in his last annual report, is 1,836.94 miles. The railroad mileage of New Mexico in 1903 was 2,399.26 miles; in 1904, 2,404.66; in 1905, 2,556.44. The combined mileage in these two Territories is about equal to the mileage in the two Territories which it is proposed to admit as the state of Oklahoma. The commercial valuation of the railroad property in the two Territories is given by the Interstate Commerce Commission for the year 1904 as follows: Arizona, \$68,356,000; New Mexico, \$86,400,000, or an average value per mile in Arizona of \$39,000; in New Mexico, \$34,500.

The production of gold and silver in New Mexico by calendar years

from 1880 to 1904, from data supplied by the director of the mint (the figures for silver being the commercial value, which is about half the coining value), has been as follows:

	Gold.	Silver.
1880 .....	\$ 130,000	\$ 425,000
1881 .....	185,000	275,000
1882 .....	150,000	1,800,000
1883 .....	280,000	2,845,000
1884 .....	300,000	3,000,000
1885 .....	800,000	3,000,000
1886 .....	400,000	2,300,000
1887 .....	500,000	2,300,000
1888 .....	602,000	1,200,000
1889 .....	1,000,000	1,461,000
1890 .....	850,000	1,680,808
1891 .....	905,000	1,713,131
1892 .....	950,000	1,521,390
1893 .....	913,100	592,079
1894 .....	567,751	817,368
1895 .....	492,200	808,320
1896 .....	475,800	889,277
1897 .....	356,500	697,535
1898 .....	539,000	549,883
1899 .....	584,100	650,731
1900 .....	832,900	561,519
1901 .....	688,400	728,436
1902 .....	531,100	591,127
1903 .....	244,600	233,632
1904 .....	381,900	277,500

The Territory, for purposes of taxation, does not return its property at more than one-fifth of its real value. The amount returned for purposes of assessment at the present time is \$43,000,000, but the reasonable assessed valuation of the Territory might be stated as follows:

7,000,000 acres of railroad land, with its coal, iron and timber, at \$5.....	\$35,000,000
7,000,000 acres of private patented land grants, with its timber and, in some instances, its minerals, at \$5.....	35,000,000
2,000,000 acres agricultural land, at \$10.....	20,000,000
3,000 miles of railroad and telegraph line, with its franchises, equipment, machinery, shops, etc., at \$30,000.....	90,000,000
Patented mines and plants .....	25,000,000
7,000,000 sheep and goats, at \$2.....	14,000,000
25,000,000 pounds of wool, at 8 cents.....	2,000,000
1,500,000 head of cattle, at \$20.....	30,000,000
100,000 head of horses, at \$10.....	1,000,000
1,000,000 Angora goats, at \$3.....	3,000,000
City lots and buildings.....	25,000,000
Stocks of goods.....	15,000,000
Household furniture of all kinds.....	5,000,000
Jewelry .....	2,000,000
Cash, bonds, stocks, mortgages, etc.....	10,000,000
Product of mines—coal, iron, gold, silver, copper, lead, etc.....	7,000,000
Product of farms—alfalfa, wheat and other crops.....	5,000,000
All other kinds of property.....	5,000,000
<b>Total .....</b>	<b>\$329,000,000</b>

As it will be seen, this tabulation gives the Territory property of the value of \$329,000,000 to be taxed after it becomes a state.

The number of persons contributed to Arizona and New Mexico by different states is shown by the following table (census of 1900):

State	Arizona.	New Mexico.
Alabama .....	408	395
Arkansas .....	770	745
California .....	3,065	369
Colorado .....	507	2,131
Connecticut .....	104	76
Delaware .....	19	16
District of Columbia .....	40	27
Florida .....	47	32
Georgia .....	352	291
Idaho .....	141	31
Illinois .....	1,973	1,747
Indiana .....	1,078	912
Indian Territory .....	113	266
Iowa .....	1,111	981
Kansas .....	1,166	1,559
Kentucky .....	927	754
Louisiana .....	192	216
Maine .....	406	156
Maryland .....	156	111
Massachusetts .....	311	225
Michigan .....	558	303
Minnesota .....	237	123
Mississippi .....	420	371
Missouri .....	2,636	2,870
Montana .....	57	20
Nebraska .....	237	236
Nevada .....	197	19
New Hampshire .....	87	74
New Jersey .....	176	93
New York .....	1,352	998
North Carolina .....	186	172
North Dakota .....	13	9
Ohio .....	1,567	1,319
Oklahoma .....	46	129
Oregon .....	315	71
Pennsylvania .....	1,081	1,070
Rhode Island .....	32	32
South Carolina .....	74	96
South Dakota .....	41	33
Tennessee .....	661	763
Texas .....	3,743	7,479
Utah .....	1,910	339
Vermont .....	152	117
Virginia .....	439	377
Washington .....	103	39
West Virginia .....	136	144
Wisconsin .....	417	299
Wyoming .....	36	27
Scattering .....	320	335
Americans born abroad .....	177	139

The same is true as to foreign countries. The number of English-Canadians in Arizona in 1900 was 1,116; in New Mexico, 680. English born in Arizona, 1,561; New Mexico, 968. French born: Arizona, 253; New Mexico, 298. German born: Arizona, 1,245; New Mexico, 1,360. Irish born: Arizona, 1,159; New Mexico, 693. Italian born: Arizona, 699; New Mexico, 661. Mexican born: Arizona, 14,172; New Mexico,

6,649. Scotch born: Arizona, 399; New Mexico, 427. Swedes: Arizona, 342; New Mexico, 244. Total foreign born: Arizona, 21,233; New Mexico, 13,625. Total illiterates: Arizona, 27,307; New Mexico, 46,971.

The strongest plea in behalf of the application of New Mexico for admission was made by Bernard S. Rodey, ex-delegate to Congress, during the hearings before the two committees of the Fifty-ninth Congress. The iniquities to which the people were subjected under a territorial form of government were clearly elucidated by Mr. Rodey. He made the astonishing statement that Arizona had at least \$400,000,000, and perhaps \$600,000,000 worth of property subject to taxation, and yet in 1905 but \$42,000,000 was returned to the assessors. In New Mexico he placed the figures at \$350,000,000 and \$40,000,000, respectively. He showed the consequences to be that in both territories, because of these returns, the rates of taxation run from three to as high as seven per cent. Twenty years ago the returns for taxation in New Mexico were \$45,000,000.

"After we added \$100,000,000 worth of property through railroad building, mines, plants, lumber and the building of cities and towns and through breeding thousands of cattle and sheep," said Mr. Rodey, "it happens that in the good year 1905 it was only forty millions. I will point to some conditions in Arizona: Forty-two million dollars' worth of property has been returned out of \$400,000,000 worth in Arizona, and for years \$40,000,000 has been returned in New Mexico out of \$350,000,000 worth; and the secretary of the interior in his last report places the value of railroads in New Mexico at \$90,000,000 and the value on the assessment rolls at \$9,000,000. It is about equal to that in Arizona."

He also showed that there were hundreds of miles of railroad in New Mexico which paid no taxes at all. Referring to the Santa Fé railroad, he continued:

"It owns a land grant that reaches twenty miles on each side of its track along this 500 miles of road I have been mentioning in the two territories—that is, it owns checkerboard or alternate sections of the land, save where it has sold quantities of the same. In some instances it owns land as much as forty miles away from its track, which it received as an indemnity for land lost to it within the twenty-mile strip by prior appropriation or otherwise. It has turned out that checkerboard semi-arid sections of land are not very valuable for general purposes; so the railroad has for years, for itself and those it has sold the land to, been making strenuous efforts to induce Congress to permit it to bunch its land into large, compact bodies, so that it might sell it in large tracts to lumbermen, stockmen or others who might want it. It does not require much of an imagination to make a guess that it would like to have all this done and completed before the new state of Arizona proposed by this bill shall have had any opportunity to select its twenty odd millions of acres of school lands out of the remaining public domain. It stole a march on the Territory of New Mexico in the last three years on this subject, and in some manner secured the creation of what is known as the San Francisco Mountain Forest Reserve in Arizona, which included, as it is said, about a million and a half acres of its checkerboard land. It immediately got scrip issued to it for this land, and sold it to expectant and waiting purchasers over in eastern New Mexico, who at once gobbled up a principality of New Mexico's best remaining land along the Texas line on our east. The land it gave up had,

as it is said, practically all the timber cut off from it and was worthless, save perhaps for a summer pasture range, and the land it took in lieu of it in eastern New Mexico—which amounted, I think, to something like three-quarters of a million of acres—was the finest kind of Pecos Valley pasture and semi-agricultural land. They also located a lot of this same scrip in western New Mexico, on timber land, and are doing so still. This scrip is at present worth \$8.50 per acre and upward, and when the scrip law was repealed, the last moment of the Fifty-eighth Congress, some interested person very shrewdly had an exception inserted in the act to protect this scrip.

“Bill after bill has been before you here, and will continue to be here eating up our best lands, until there will be nothing left of the patrimony of our children if we do not get a bill like this statehood bill passed some time soon and become a state of this Union. When we can get \$700,000,000 worth of property in both territories together put upon our tax rolls with a tax rate of one-half of 1 per cent, we can raise \$3,500,000 per annum for the expenses of that great state. Capital will rush into such a tax-blessed commonwealth. That will be one of the blessings. \* \* \* The larger the state area the harder it is for special interests to control things, as, for instance, see Texas. If we are a state we have some hope of putting that \$700,000,000 worth of property on the tax list that I have shown you both territories possess, instead of about one-ninth of it, as is the case now.

“There is not in New Mexico, I know, nor in Arizona, as I am informed, a single line of law on the statute books restricting, limiting or controlling, in any sense, passenger or freight rates upon railroads. That is an astonishing thing after twenty-five years of railroad life in the territories. I make also the astonishing statement that you may search the twelve volumes of New Mexico’s Supreme Court Reports in vain without finding a single decision in a personal damage case against a railroad. Our appointive boards of equalization are known by their works; they are hampered by acts of Congress and by the territorial condition.”

The original bill providing for the admission of Oklahoma and Indian Territory as one state and New Mexico and Arizona as one state, after having been favorably reported in both houses in Congress, was amended again and again. Senator Beveridge led the fight in behalf of the measure, which became one of the great issues of the term. Senator Foraker, the avowed friend of the railroad, mining and other special interests, who opposed statehood in any form, for the reasons which have been set forth in preceding pages, finally secured an amendment providing for the submission of the question of the adoption of a state constitution separately to each of the territories of New Mexico and Arizona. It was the fond hope of the antagonistic element that this would kill the measure, it being firmly believed that enough votes against it could be mustered in Arizona to secure that result. By the provisions of the Foraker amendment, the result of spectacular filibustering and many delays in advancing the bill, a majority of one vote against the proposal in Arizona would be fatal to the measure, even with the total vote of New Mexico in favor of its adoption. Probably never before had the Senate of the United States witnessed a more desperate and determined effort to annihilate all chances for the success of any statehood measure than that put forth by the railroad, mining and other corporations of Arizona, in the hope of escaping their

just share of taxation, through Senator Foraker and his companions. The desperate expedients resorted to in the endeavor to encompass the defeat of this measure were almost without parallel. The president himself was powerless in the matter. The railroad rate regulation bill and kindred measures affecting great corporations kindled a strong popular sentiment in favor of the better regulation and control of these interests, and close observers of the public demand agreed that, could the question be submitted to the voters of the country, the vexed question of the future status of these two western territories would be settled in accordance with the wishes of their inhabitants.

(NOTE.—Before this article went to press, the general elections were held, in November, 1906, and the statehood question was settled temporarily, just as the political strategists had planned, by the adverse vote of Arizona against joint statehood, although New Mexico returned a majority in its favor.)

## LAND GRANTS

Under Spanish rule lands were given to citizens, not in fee, as by the laws of England, but by federal tenure. The title remained in the king and the subject took the rents and profits, while on forfeiture all passed to the sovereign. After the revolt of Mexico, the republic succeeded to the rights of the king of Spain. A change in the policy of the government followed. Lands were granted to individuals for themselves and for the establishment of colonies. Private grants were limited in amount, generally to less than eleven leagues, dependent upon the purposes for which the grants were made. Grants to towns and settlements were more extensive, and consisted of farming or irrigable lands, which were parceled out to individuals, and pasture lands, or *vegas*, which were held in common, and which no person was permitted to appropriate to his individual use. Such lands were generally situated apart from irrigable lands.

These town grants were applied for by several individuals, asking of the local state government the privilege of establishing a colony. If the petition was favorably received and granted, an order was issued by the governor placing the petitioners in possession of the land. The petitioners then divided the lands among themselves, and made a record of their doings, and the possessors held the land from thence forward in fee simple.

By the treaty of Guadalupe Hidalgo, May 26, 1848, under which New Mexico was acquired, the rights of holders of land were preserved unbroken, the United States being bound to recognize such rights so that one holding under a Mexican title should have right to a similar relation to the United States.

In order to make this beneficent provision of the treaty available to the holders of Mexican titles, on July 22, 1854, Congress passed what is known as the surveyor-general's act, providing that people claiming titles to public lands might go before the surveyor-general of New Mexico, prove their titles, and he should report to the commissioner of the general land office, that official to the secretary of the interior, and the secretary of the interior finally to Congress, Congress reserving the right in itself to finally say whether those lands should be patented or not. Interested people went down into New Mexico in the ante-railroad days, bought all of the best so-called claims, had the surveyor-general approve them, submitted proper proofs, and the result was that they had them confirmed for vast principalities of land, bigger than it ever was intended they should have been.

The Maxwell land grant, embracing about three thousand square miles, furnishes one of the most glaring examples of the injustice of this order of things. Other grants, each having from half a million to upwards of a million of acres of land, some of which is highly valuable for agricultural purposes, some abounding in mineral or timber wealth, passed in this manner into the hands of corporations or associations of individuals. Titles were found to be so insecure that, until the adjustment of all grant



claims by the United States Land Court, established in 1891, capital could not be induced to enter the Territory in any appreciable amount, aside from such capital as was invested in these grants.

New Mexico was frequently referred to in official Spanish documents as the "Kingdom of New Mexico," on account of the vastness of its territory, the variety of its topography and climate and the supposed richness of its natural resources. When it was surrendered to the United States by treaty the original province was still intact, except the portion east of the Rio Grande, which was claimed by the republic of Texas, which a few years before had attained its independence. It also included southern Colorado and nearly all of Utah, Nevada and Arizona. Nevada became a state in 1864, Colorado in 1876, and Utah in 1896.

By the organic act of 1850 the United States government offered to pay to Texas the sum of ten million dollars for a relinquishment of her claim, which offer that state accepted. In later years the point has been raised that if it could be successfully maintained that we derive the true title from Texas and not from Mexico, then the late Court of Private Land Claims was without jurisdiction to confirm or reject any private land claim within the immense tract conveyed to us by Texas; for the jurisdiction of that court was expressly limited to territory which we had derived from Mexico.

Governor Armijo successfully withstood the Texas invasion and his exaggerated triumph was greeted in the City of Mexico by the ringing of bells and the salutes of artillery, and in reward he was vested with honors and, as he claimed, with almost dictatorial powers in the disposition of the public lands in his department. Santa Fé and Albuquerque were never occupied by a civilized enemy until our civil war. Nevertheless, Texas did exercise jurisdiction within the area of conflict. She made, for instance, a grant of the Salt Lakes to the southeast of Estancia Springs, and Congress recognized that grant and confirmed it, while the Land Court and the Supreme Court rejected the title to the same property which Governor Armijo had assumed to confer on the Prefect Antonio Sandoval.

The Supreme Court of the United States held, in one case, that the treaty of Guadalupe Hidalgo did not relate to property within the state of Texas. The republic of Texas had been recognized some time before by the United States, and by that act this government had conferred upon the people of Texas all the privileges which it was permitted by the constitution to grant. Texas, by an act passed December 19, 1836, defined the jurisdiction of that republic to extend to the territory bounded as follows:

Beginning at the mouth of the Sabine river and running west along the Gulf of Mexico three leagues from land to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line as defined in the treaty of 1819 between the United States and Spain to the beginning.

By this act that republic authorized and required the president of Texas to open a negotiation with the government of the United States of America, so soon as in his opinion the public interest might require it, to ascertain and define the boundary line as agreed upon in said treaty.

When Texas was admitted into the Union in 1845, there was no reservation as to the question of boundary except that regarding the true

interpretation of the treaty with Spain. It was not until near the close of the Mexican war that complaint arose over the claim of Texas to the Rio Grande as her western boundary. When General Kearny became military governor of New Mexico, his jurisdiction extended into portions of Colorado, Utah, Nevada and Arizona. The Kearny Code was operative throughout all this domain, excepting the region where the laws of Texas could prevail. With the passage of the organic act New Mexico was relieved of the claim of Texas.

By the Gadsden purchase of 1853, the United States paid to Mexico fifteen million dollars for a great tract lying south of the middle line of the Gila river in Arizona and a gradually narrowing strip extending eastward in New Mexico to the Rio Grande, which was at once annexed to New Mexico.

Spain, and later Mexico, always assumed a beneficent attitude to the poor, declaring her mountains, woods and pastures to be free to the common use. It was this spirit which actuated the home government in making such a large number of land grants to individuals or associations of individuals or communities.

**THE MESILLA GRANT.**—The Mesilla grant was made by the state of Chihuahua, and had its origin in the clause in the treaty of Guadalupe Hidalgo which provided that those Mexican citizens who did not desire to become and remain American citizens might remove from the limits of the United States to Mexico. Many persons desired to take advantage of this provision, and most of these selected La Mesilla (then in Chihuahua) as a desirable location for such a colony. Application for the location was made to the government, the grant was made and a tract of country of well-defined natural boundaries was assigned to the colony. The settlers entered upon it, subdivided the tract, cut their acequias, or community irrigating ditches, built their churches and residences, and before the next treaty, known as the Gadsden purchase, the settlement had become the strongest one in the valley of the Rio Grande south of the Jornada del Muerto and north of El Paso.

Both of the treaties with Mexico provided that the people should be secured in their rights, property and lands, and if no change in their status as citizens of Mexico had taken place, the rights they held under the laws of Mexico should continue to be held under the laws of the United States. The sole question that remained in future years to annoy the occupants of the Mesilla grant was whether there was a *bona fide* town grant, made by the Mexican government, through the state of Chihuahua.

The records of that state show conclusively that such a grant was made. Every requirement of the laws of Mexico was also complied with by the occupants of the grant. At an early day Congress passed an act empowering the surveyor general of New Mexico to take the evidence and decide upon the merits of land grants of all kinds in the Territory, and report the same to Congress for its action.

Acting under the provisions of that act, the grants made to all towns and settlements in the northern portion of the Territory were confirmed to the people, and until comparatively recent years they held their grants by those titles. But dangers incident to a journey from Mesilla and Doña Ana to Santa Fé, which included crossing the dreaded Jornada del Muerto, prevented many witnesses from making the trip. The Mesilla valley was then

so isolated from the remainder of the Territory that even the territorial courts were not held there, and the people were compelled, through sheer necessity, to establish courts unknown to the laws of the Territory. Unaided, they defended their homes and flocks from the depredations of the murderous Apaches, and though robbed of all but their lands, they maintained their colonial rights. They even spoke of going to New Mexico as if they resided in another Territory. The surveyor general did nothing to enable them to make legal proofs of their occupation of the land grant, though he fully realized that few, if any, of the people were able to go to Santa Fé to do so.

While this land grant question was still pending in the office of the surveyor general, the Civil war broke out, putting an end to further action in the matter for the time being. The surveyor general refused to act, and all knowledge of the existence of the law seemed to have passed from the recollection of the people of the valley until 1872, when the commissioner of the general land office revived the matter. The evidence taken as the result of that revival of the question tended to prove that Mesilla had a better title to its land than was held by the occupants of most of the town grants previously confirmed by Congress.

**ARMENDARIS GRANT.**—In 1820 Peter Armendaris applied to the Spanish government for a grant of land lying on the west bank of the Rio Grande opposite his ranch of Val Verde. His application was granted, and certain lands, embracing the limits of Fort Craig reservation and the old and new towns of San Marcial, together with the mesa lands to the west, were allotted to him. Several years later Armendaris was driven from his ranch by Navajo Indians, and sought refuge in Chihuahua, Mexico. In 1849, after the cession of New Mexico to the United States, Armendaris, desiring to secure the services of Hugh N. Smith, an attorney, and Thomas Biggs, an old Santa Fé trader, in the perfection of his land claims and the colonization of the granted lands, deeded to them four thousand acres opposite the "ruins of Val Verde," covering the present town site of San Marcial.

December 6, 1858, Colonel Robert Stapleton bought Smith's share of the four thousand acres, lying along the west bank of the Rio Grande, immediately south of the north boundary of the Armendaris grant and including a part of the Fort Craig reservation. In 1866 a little town called La Mesa, on the east bank of the river, was submerged by a flood, and the people in their distress crossed the river and laid out a town which they called San Marcial. Colonel Stapleton received from one of the number a document which he understood to be a lease of his lands signed by all, but it eventually transpired that they acted as mere squatters, not recognizing the Smith and Biggs title.

The grant was confirmed by Congress in 1860, finally surveyed in 1877 and patented in 1878. The court held that the mere possession by the La Mesa squatters could not be set up against the grant and patent.

The San Marcial Land & Improvement Company subsequently acquired the Stapleton title and that of the Biggs heirs, this action quieting all titles in the town site of San Marcial.

Present titles in San Marcial came through deed to Smith and Biggs. The courts of New Mexico decided in the case of the San Marcial Land & Improvement Company vs. Simon Leyser that the San Marcial Land

& Improvement Company were the owners of the four thousand acre tract by purchase from Martin Zimmerman, who purchased one undivided half interest from Robert H. Stapleton, and the rest from the heirs of Thomas Biggs. It developed during the trial of this suit that all the heirs of Thomas Biggs were of age and able to convey, and that they all did convey to Martin Zimmerman. This four thousand acre tract was exempted from the deed made to William A. Bell on October 13, 1870.

Manuel Armendaris was a son of Don Pedro Armendaris, with power of attorney from his father. It is questionable if even deeds had to be recorded in New Mexico before January 1, 1888, and there were no laws demanding the recording of power of attorneys or deeds in New Mexico in 1858. The town of San Marcial is located near the center of this tract. Original grants to Armendaris (two) were four hundred and ninety thousand acres, ninety-two thousand acres of which were located on the west side of the river. Practically all property outside of land included in San Marcial town site is now owned by the Victoria Land & Cattle Company, having passed through three or four hands prior to their title.

ALBUQUERQUE GRANT.—The land embraced in the Albuquerque grant was occupied as early as 1680, and again in 1693—after the return of the Spaniards at the close of the pueblo insurrection—and from that time on was constantly occupied. The title to the grant is easily traceable back to 1693.

THE CANADA DE COCHITI GRANT.—The Cañada de Cochiti grant is alleged to have been made to Antonio Lucero, of Albuquerque, by the Spanish government, August 2, 1728. It was located on the mesa of Cochiti, east of the center of Sandoval county, and the petition of Lucero gave the boundaries as follows: On the north by the old pueblo of Cochiti; on the east by the Del Norte river; on the south by the lands of the natives of the pueblo; on the west by the Jemez mountains. The total area claimed by the heirs of Lucero was one hundred and four thousand five hundred and fifty-four acres. The petition gave as the northerly limit the old pueblo to which the Indians retreated during the uprising of 1680. When the case was brought before the United States Land Court, the boundary question was investigated by Levi A. Hughes and others, the result of their researches among the Indians showing that the members of the tribe uniformly agreed that their traditions were to the effect that during the uprising of 1680 their ancestors retreated to the pueblo located much further south than the location designated in the petition for confirmation of the grant. It was clearly proved in the trial of the case that the applicants were endeavoring to secure, by fraudulent means, title to a much larger tract than was conferred upon Lucero by the Spanish government, the fraud consisting in an endeavor to establish the northern limit of the grant upon a pueblo to which the Indians did not retreat, instead of the pueblo to which reference was made by Lucero in his petition to the Spanish government. An attempt was also made by the claimants to prove that the original grant extended to the west side of the Jemez mountains instead of the east side. The title to the grant was assigned to James G. and J. P. Whitney and others, whose petition for confirmation was filed July 22, 1882.

No record or evidence of the alleged grant was found in the old Spanish or Mexican archives, the title of the claimants resting safely upon

a copy of an alleged original grant signed by Bustamante, then governor of New Mexico. Under the act of Congress approved March 3, 1891, the United States Land Court, on February 16, 1898, confirmed the grant and ordered the survey to be made, the north boundary to be located through the center of the old pueblo of Cochiti, and the western boundary to follow the "crest of the first sierra of the Jemez mountains." The eastern boundary was established at the Rio Grande, and the southern at "the northern line of the lands" belonging to the Indians. By the action of the court the amount finally conferred upon the claimants was but 19,112.78 acres, instead of the 104,554 acres claimed.

**ATRISCO GRANT.**—In 1905 the general land office at Washington, D. C., handed down a final decision in the famous town of Atrisco grant suit, which had been in the courts since 1885. By the decision the title to the town of Atrisco grant, comprising 82,728.72 acres is restored to the original grantees, and the land will be partitioned among the many descendants of the original grantees.

**SEBASTIAN MARTIN GRANT.**—The Sebastian Martin land grant was originally made in 1711 by a Spanish governor to Captain Sebastian Martin, who was the most important man in the north of the Territory, after the conquest by de Vargas, and it embraced the Rio Grande valley on both sides of the river, from the boundary of the San Juan pueblo grant on the south to the end of La Joya on the north, and east as far as Las Trampas. Plaza del Alcalde, Los Luceras, La Villita and La Joya are all within the original grant, but the occupied land was not affected by the recent partition suit, which only had to do with the common lands that have never been reduced to actual possession.

The grant contains over forty thousand acres, of which, perhaps, ten thousand are occupied, leaving from 30,000 to 35,000 as the subject of litigation. The suit was begun by A. B. McMillen, of Albuquerque, representing a considerable number of the heirs, and many others are represented by ex-Governor L. B. Prince and other attorneys. As nearly two centuries have elapsed since the grant was originally made, the number of heirs is naturally very large, and those best informed believe that they really exceed a thousand in number; about 600 have been proved in the genealogy, and the remainder are so scattered from Colorado to California that they will probably never be heard from.

A curious feature of the case was the claim made by the Indians of the pueblo of San Juan, who proved by tradition that in consideration of the services of the Indians in the building of the first great acequia which runs down the east side of the river, Captain Sebastian Martin gave them a piece of land in the valley, which they have ever since possessed. They are represented by Judge A. J. Abbott.

**ORTIZ MINE GRANT.**—About 69,458 acres in Santa Fé county were granted in 1833 to Jose Francisco Ortiz and Ignacio Cano. The latter in 1836, conveyed to Ortiz all his title and interest in the grant. Ortiz died in 1848, leaving the grant in possession of his widow, Maria Inez Montoya, who, in 1853, conveyed it to John Grenier. August 19, 1854, Grenier conveyed it to Charles E. Sherman and his associates, who, July 10, 1864, conveyed it to the New Mexico Mining Company. The grant to Ortiz was confirmed by Congress in 1861, and the United States government gave a quit claim to the New Mexico Mining Company May 20, 1876, "not

affecting the adverse rights of any other person." In a suit growing out of contested water rights on this claim, carried to the New Mexico Supreme Court in 1891, it was shown that the claim had been made that Ortiz died intestate in 1848, leaving no direct heirs, but that prior to the suit referred to the collateral heirs had sold the property to Elias Brevoort. Suit was instituted in 1883 and ran through the courts eight years. It was shown that the widow of Ortiz remained in actual possession until 1853, when Grenier took possession and held it until he conveyed to Sherman *et al.*; and then to the New Mexico Mining Company.

June 28, 1819, the governor of New Mexico, then a province of Mexico, granted to Antonio Ortiz a large tract of land on the Gallinas river, in San Miguel county, containing 163,921.68 acres. March 3, 1869, the United States Congress confirmed the grant to Ortiz' heirs; patent issued to them by the United States in 1883. Future conveyances gave land to Wilson Waddingham, of Connecticut, Louis Sulzbacher, T. B. Catron, John Dold, Henry Dold and Mary Dold, all in undivided interests. Some of the assignees of the heirs of Antonio Ortiz, claiming interest in the whole grant, occupied it almost continuously from about 1860, having permanent ranches and buildings.

PRESTON BECK GRANT.—December 6, 1823, Juan Estevan Pino petitioned the governor of the province of New Mexico for a grant of lands now a portion of San Miguel county, bounded as follows: "On the north by the landmarks of the farm or land of Don Antonio Ortiz and the tableland of the Aguage de la Yequa; on the south by the Pecos river; on the east by the tableland of Pajarito, and on the west by the point of the tableland of the Chupaines." The grant was made December 23 of the same year, the land officially designated as the "Hacienda of San Juan Baptista del Ojito del Rio de las Gallinis," and Pino was put in possession, occupying it until his death. His heirs afterward sold the grant to Preston Beck, and upon the recommendation of the surveyor-general Congress confirmed it to Preston Beck, Jr., June 21, 1860.

RAMIREZ GRANT.—In February, 1844, the governor of the Province of New Mexico granted to Jose Serafin Ramirez a tract of land in Santa Fé county, described as follows: "Bounded on the north by the Placer road that goes down by the yellow timber; on the south, the northern boundary of the San Pedro grant; on the east, the spring of the Cañon del Agua; on the west, the summit of the mountain of the mine known as the property of your petitioner." This grant was afterward confirmed by Congress upon the approval of the surveyor-general of New Mexico.

The San Pedro and Cañon del Agua Company, in future litigation to determine its title to mining lands located within the limits of this grant, raised the contention that portions of the land were the rightful property of the United States government, as they contained valuable timber and mineral lands; that as early as 1842 there was, within the territory covered by the grant, a flourishing town, containing thousands of inhabitants, called "Real de San Francisco," which for many years had enjoyed such rights and privileges as excluded the Mexican government from making a grant within one league of the borders of the city; and that the mines on the grant had been worked for many years before the territory was ceded to the United States. The company sought to quiet its title to the mining

lands it was operating, and the court in the first judicial district decided in its favor. The case was taken to the supreme court (the action being that of the United States vs. The San Pedro and Cañon del Agua Company), which, in one of the most elaborate opinions ever accompanying a decision rendered by that body, found that the San Pedro and Cañon del Agua Company was not an innocent purchaser, being fully cognizant of the definite character of the grant to Ramirez. But when the lands contained within the limits of this grant passed, by its cession, under the dominion of the United States government, the title to such mineral lands as were to be found on the grant became vested in the United States government. Ramirez had no claim to any more interest than he had obtained by virtue of the grant. It was only the right in the *land* which had passed to him by the terms of the grant. The Spanish and Mexican governments reserved the right to the minerals in their lands, unless otherwise stipulated, and no such express grant was made to Ramirez. Though this grant was confirmed by our Congress, upon favorable report of the surveyor-general of the Territory, the latter officer has never been empowered to convey the gold and silver mines belonging to the general government, or to recommend their conveyance. And the grant to Ramirez, as is the case in other grants, gave him the right to the surface of the land only.

**SANDOVAL GRANT (OR NOLAN), VALENCIA COUNTY.**—This grant was made in 1845 by the Mexican government to Antonio Sandoval, who afterward conveyed same to Gervacio Nolan. The latter died in 1858, and his heirs sold the entire grant to Joel P. Whitney, who afterward conveyed a half interest to Franklin H. Story. The grant was reported to contain about three thousand acres, and the title held by Nolan's legal representatives was found to be perfect. In a case brought to the supreme court of New Mexico, on a homesteader's claim, it was determined that the action of surveyor-general's decision as to validity or invalidity of grants was beyond power of supreme court to change, and the legal effect of surveyor-general's action in declaring title valid was "to segregate from the public domain all the lands covered by the grant as reported on by him, and to except and reserve them from the operation of the homestead and other general laws of the United States providing for the disposal of the public domain."

**MAXWELL LAND GRANT.**—From the days when the historic Manor of Rensselaerwick flourished up to the closing years of the Mexican occupation and control of what is now the American Territory of New Mexico—a period covering about two centuries—attempts at planting and, with a legal status, maintaining quasi-feudal estates were signalized by dismal failure. It remained for Lucien Benjamin Maxwell, a native of Kaskaskia, Illinois, and one of the most striking figures of the early mountain frontier, to found a second successful American barony. This was the famous "Maxwell Ranch," or "Maxwell Land Grant," as it is more commonly known in these days, a body of land which, under the shrewd manipulation of capitalists and politicians, has grown in half a century from a relatively insignificant thirty odd square miles, located principally on the plains bordering upon the Red river, in northern New Mexico, to an estate equal in extent to three states the size of Rhode Island.

January 8, 1841, Charles Hipolyte Trotier-Beaubien and Guadalupe

Miranda petitioned General Don Manuel Armijo, the civil and military governor of New Mexico, for a grant of land in that portion of the Territory which was included within the limits of the present county of Colfax. The petitioners asked for a tract "commencing below the junction of the Rayado and Red rivers, from thence in a direct line to the east to the first hills, from thence following the course of Red River in a northerly direction of Uña de Gato with Red river, from whence following along said hills to the east of the Uña de Gato river to the summit of the tableland (mesa), from whence, turning northwest, following said summit to the summit of the mountain which separates the waters of the rivers which run towards the east from those which run to the west, from thence following the summit of said mountain in a southerly direction to the first hill east of the Rayado river; from thence following along the brow of said hill to the place of beginning."

On January 11 following, Governor Armijo, "in conformity with the laws," granted the land to the petitioners, with the privilege of making such use of it as they saw proper. On February 22, 1843, they were placed in possession of the grant by Cornelio Vigil, a justice of the peace of the first precinct of Taos. On February 27, 1844, the grant was suspended by Mariano Chavez, acting governor, upon a complaint made by Antonio Jose Martinez, priest in charge of the Roman Catholic parish of Taos, and the chiefs of the pueblo of Taos, who charged that the land in question, commonly known as "el rincon del Rio Colorado," had previously been granted or assigned by these Indians to Charles Bent, afterward governor of New Mexico; that the land was recognized as commons, where the stock of the Indians was pastured; that it was likewise the place where buffalo was limited (a palpable contradiction), and finally that the grantees, Beaubien and Miranda, were foreigners.

In the meantime Armijo had been reappointed to the office of governor. On April 18, 1844, he referred the matter to the department assembly, which reversed the order of Acting Governor Chavez and approved the grant made by Armijo. On the same day Beaubien and Miranda were reinstated and retained undisputed possession of the grant. In 1857 William Pelham, surveyor-general of New Mexico, to whom the matter of establishing title to the grant had been referred, reported to Congress that in his opinion it was "a good and valid grant, according to the laws and customs of the government of the Republic of Mexico and the decision of the supreme court of the United States."

The petition of Beaubien and Miranda to Governor Armijo is a document worthy of preservation as illustrating the mode of procedure and the grounds on which applications for private grants of land were made in those days. It reads as follows:

"Most Excellent Sir:—The undersigned, Mexican citizens and residents of this place in the most approved manner, required by law, state. That of all the departments of the republic, with the exception of the Californias, New Mexico is one of the most backward in intelligence, industry, manufactures, etc., and surely few others present the natural advantages to be found therein, not only on account of its abundance of water, forests, wood and useful timber, but also on account of the fertility of the soil, containing within its bosom rich and precious metals, which up to



this time are useless for the want of enterprising men who will convert to the advantage of other men all of which productions of nature are susceptible of being used for the benefit of society in the department, as well as in the entire republic, if they were in the hands of individuals who would work and improve them. An old and true adage says that 'what is the business of all is the business of none'; therefore, while the fertile lands in New Mexico, where, without contradiction, nature has proven herself more generous, are not reduced to private property, where it will be improved, it will be of no benefit to the department, which abounds in idle people, who, for the want of occupations, are a burden to the industrious portions of society, which with their labor they could contribute to its welfare and honestly comply with their obligations. Idleness, the mother of vice, is the cause of the increase of crimes which are daily being committed, notwithstanding the severity of the laws and their rigid execution. The towns are overrun with thieves and murderers, who by this means alone procure their subsistence. We think it a difficult task to reform the present generation, accustomed to idleness and hardened vice. But the rising one, receiving new impressions, will easily be guided by the principles of purer morality. The welfare of a nation consists in the possession of lands which produce all the necessities of life without requiring those of other nations, and it cannot be denied that New Mexico possesses this great advantage, and only requires industrious hands to make it a happy residence. This is the age of progress and the march of intellect, and they are so rapid that we may expect, at a day not far distant, that they will reach even us. Under the above conviction we both request your excellency to be pleased to grant us a tract of land for the purpose of improving it, without injury to any third party, and raising sugar beets, which we believe will grow well and produce an abundant crop, and in time to establish manufactories of cotton and wool, and raising stock of every description. [Here follows a description of the tract sought, agreeing in its details with the description in the foregoing.] For the reasons above expressed, and being the heads of large families, we humbly pray your excellency to take our joint petition under consideration, and be pleased to grant us the land petitioned for, by doing which we will receive grace and justice. We swear it is not done in malice; we protest good faith, and whatever may be necessary, etc.

"GUADALUPE MIRANDA,  
"CARLOS BEAUBIEN.

"Santa Fé, January 8, 1841."

In their reply to the petition of Father Martinez and his associates the grantees urged that the land described by those who denied the validity of the grant was not the land asked for in the original petition, but that it "*does not exceed fifteen or eighteen*" leagues.

On securing possession of their grant, Beaubien and Miranda entered into a partnership for the operation of this grant, the former finally purchasing of Miranda his interest therein, holding the entire property until 1846. In the latter year he removed from Taos, which had been his home for twenty-three years, to the Cimarroncito, and found Maxwell located a short distance north of the famous Abreu ranch, where a company of

United States soldiers were stationed for the protection of traffic over the Santa Fé trail.

At this time Maxwell was herding sheep in a primitive way. About a hundred and fifty yards south of his rude adobe hut stood a house built by Kit Carson and then occupied by him. The two men, having much in common—both lovers of the free, adventurous life which the mountains offered—soon became fast friends and remained so until death separated them. Maxwell's sheep multiplied, and as the years rolled by his wealth increased so rapidly that, in spite of his profligacy, he could not rid himself of the burden it seemed to impose. He tried gambling, but, although it is said that he never "stacked the cards," his poker playing served only to add to his accumulation of treasure.

At this time the whole region between "El Pueblo," in Colorado, and Fernando de Taos, in New Mexico, was almost unknown—certainly unexplored, excepting those portions traversed by the few traders traveling between Santa Fé and the Missouri river. But every trader, every *major domo*, every teamster, every soldier who passed over this part of the trail knew Maxwell, and most of them were known to him by name.

Charles Beaubien died February 10, 1864, and Maxwell purchased the grant of the heirs, becoming its sole proprietor. All restrictions as to the grazing of sheep now being removed, his wealth increased at a still greater rate. He had built for himself a great house at Cimarron, and here he continued to entertain all comers in lavish style—and there were many. During the height of his power and wealth he lived in barbaric splendor. He lived for pleasure alone, in utter disregard of the expense of the necessities and comforts of life. Under his indifferent direction thousands of acres of his grant were cultivated in a most primitive fashion by native Mexicans, who, though as completely enslaved as the thralls of the ancient Norsemen, were nevertheless kindly treated. They loved their master as a friend and kindly adviser, and never appealed to him for amelioration of their condition in vain—provided the lord of the domain did not shrewdly suspect them of misrepresentation.

Maxwell's home was as much of a palace as the day and the country afforded. Some of its apartments were most sumptuously furnished after the prevailing Mexican style, while others were devoid of all but table, chairs and cards for poker, or "old sledge." He was an inveterate gambler. On occasions when his winnings were heavy he would sometimes lend to the winner the next day two or three times as much as he had won for him. Though he played for amusement only, he always insisted upon a stake. Many men who were widely known throughout the southwest in those days were his guests, and most of them had cause to remember his prowess at the game of "draw." Kit Carson, ex-Governor Thomas Boggs, Richens (Uncle Dick) Wootton, Don Jesus Abreu, Colonel Ceran St. Vrain and other men whose names are well known in the pioneer history of the Santa Fé trail, made his home a rendezvous for years. He was a great lover of horses and frequently made enormous wagers on the results of races. He owned some of the most finely bred and fleetest horses in the west, and reposed great confidence in their abilities to win.

The rooms devoted to the culinary department of Maxwell's great house—the kitchen and two dining rooms, one for the men and one for



**The Historic Maxwell Mansion, Cimarron**



the women—were detached from the main residence. Men who visited him rarely saw women about the house. "Only the quick rustle of a skirt, a hurried view of a rebosa as its wearer, evanescent as the lightning, flashed for an instant before some window or half-opened door, told of their presence," wrote one of Maxwell's guests in later years. His table service was, for the most part, of solid silver. Covers were daily laid for over two dozen persons, and vacant chairs were rarely to be seen. In addition to his invited guests, many forced themselves upon him as the result of his widely-advertised hospitality to all comers; others came to him through necessity, as the result of the location of his home on the main line of travel into the Territory, at the point where the ascent of the mountain range to the west began. Coach-loads of passengers were frequently flood-bound at the ford in the Cimarron at that point and compelled to remain at his home until the subsiding waters permitted a continuance of the journey.

Maxwell always kept a large amount of money, from twenty-five to fifty thousand dollars—usually in gold and silver coin—in an old bureau standing in the main room of his home. The drawers were never locked and no precautions for its protection were ever taken. This money was the proceeds of the sale of his sheep, cattle and grain, principally to the army, at figures which would stagger a purchaser today. For years he made no effort to keep track of the number of his sheep or the amount of his wool clip.

When this American feudal lord was not at home entertaining his friends he was visiting others. He loved to travel in state. He owned almost every conceivable style of vehicle, but on his longer journeys, as when going to Taos, Santa Fé or Las Vegas, he usually traveled in a great thoroughbred Concord coach, drawn by six or eight horses. Men who are living today and who accompanied him on some of these journeys say that he made it a rule to take small arroyos and irrigating ditches at a gallop, regardless of consequences to his equipage.

One instance will serve to illustrate Maxwell's nerve. On July 4, 1867, he caused to be hauled from its place under the cottonwood trees that fringed his home an ancient howitzer, which had lain there since the day the valiant General Don Manuel Armijo learned of the approach of Kearny's band of "ragamuffins." With the assistance of a captain in the regular army, stationed at the barracks near by, he loaded this gun two-thirds of the way to the muzzle and prepared for a grand salute in honor of the nation's birthday. A premature discharge occurred, blowing off the captain's arm, destroying his eye and shattering Maxwell's thumb. A soldier was at once ordered to Fort Union, nearly sixty miles distant, which he covered in four hours, his horse, one of the fleetest in Maxwell's stables, dropping dead as the rider alighted at the fort. The surgeon arrived at Cimarron in time to save the captain's life and dressed Maxwell's thumb. A few days later the latter, accompanied by Kit Carson, traveled to the fort to ask the surgeon to amputate the thumb, which was causing Maxwell great suffering. Declining anesthetics in any form, he maintained an apparently stolid indifference to the great pain resulting from the operation; then, just after the ligatures had been tied, as Carson placed a glass of whisky to his lips, he fainted.

A few weeks after this disastrous celebration gold was discovered

on the Maxwell grant at what is known at Elizabethtown. The announcement was naturally followed by a great influx of adventurers from all parts of the country and scientific prospecting by representatives of capital. The discovery of the precious metal in easily worked placer fields marked the beginning of the end of Maxwell's baronial reign. Feeling secure in his possession of the grant, a region of vaster extent than some of the kingdoms of Europe, and anticipating untold wealth from the development of the mining properties at the base of Mount Baldy, he spent a fortune in the construction of a ditch forty miles long, extending from the source of the Red river to the new placer diggings. But this undertaking was a stupendous failure, the water entering the ditch at its head being lost by evaporation and seepage before it reached the proposed field of operations. Realizing the fact that his title to this addition to his grant could find no status in the law, however valid his original grant might be, Maxwell endeavored to keep the news of the discovery of gold from obtaining too wide a circulation, but in this he was unsuccessful. Litigation to determine titles to the squatters' claims followed, and in order to save what he might from his now decaying fortune he sold his title to the grant to an English syndicate for a million and a quarter dollars, through the agency of Wilson Waddingham, David H. Moffatt and J. B. Chaffee. These men retained six hundred thousand dollars for their services, turning over the remainder to Maxwell.

The deposed "monarch of all he surveyed," whose right there had been none to dispute until 1867, was in a state of perplexity as to what he should do with his money. But he soon found plenty of advisers, and at the behest of men in whom he appeared to have confidence he invested something like a quarter of a million in the bonds of the Texas Pacific railroad, which proved a complete loss. In 1870 other advisers suggested to him that it would be profitable to establish a bank in Santa Fé, inasmuch as there was at that time no banking house in either New Mexico or Arizona. The idea appealed to him, and he applied for a charter, with a capital of one hundred and fifty thousand dollars, furnishing all the money himself and dividing ten shares among a sufficient number of his friends to constitute the directory required by law. Thus was the First National Bank of Santa Fé founded in December, 1870. The original stock certificates of this bank were unique in one respect, bearing a vignette of Maxwell with a cigar in his mouth. So great was his confidence in his friends that he signed in blank more than a hundred of these stock certificates, in order that his absence at his home might not interfere with their anticipated sale.

Maxwell was a man of unbounded generosity and possessed unlimited confidence in those in whom he trusted at all. His charities must have amounted to a considerable fortune. John Burroughs has aptly described certain frontier characters as "wild civilized men." The description fits Maxwell. He was one of the best representatives of the undefiled frontier, before the days of the "bad man," a type which passed with the extinction of the frontier in its original purity. He was eccentric, improvident in the extreme, liberal to a degree that was widely remarked, even in those days of extreme liberality and good fellowship, a man who was a marvel among his fellows. Those who knew him best—Carson,

St. Vrain, Beaubien, the Abreus, Pley and a multitude of American traders and native Mexicans—found him the object of undying affection. The solitude of the mountains and the remoteness from scenes of civilization infatuated him. His love for the wild was unconquerable. Though rough in manner and quick to resent the slightest interference with what he considered as his sovereign rights, there was nothing of the desperado about him.

Maxwell's wife was Luz Beaubien, a daughter of one of the original proprietors of his grant. Three of their nine children are living. The last years of his life were spent at Fort Sumner, New Mexico, where he died in comparative poverty, July 25, 1875. Strange as it may seem, there is in existence no monument to the memory of this most striking figure of the mountain frontier period, nor to the memory of his chief friend and companion, Kit Carson.

Under the act of June 21, 1860, the commissioner of the general land office at Washington, on June 28, 1869, authorized T. Rush Spencer, then surveyor general of New Mexico, to proceed with the work of surveying the Beaubien and Miranda grant under the practical direction of William W. Griffin, deputy surveyor, after the secretary of the interior had passed upon the matter. "I have to draw your special attention," wrote the commissioner, "to the question as to the true *locus* of the proposed survey. The exterior boundaries referred to in the papers forming the basis of action by the surveyor general in 1857 being vague, we are unable to identify on the maps in this office with certainty, yet as near as we can form from them an idea they would include a much larger area than the maximum of eleven square leagues which Mexican governors were empowered to grant, as has been repeatedly ruled by the United States Supreme Court."

On December 31, 1869, I. D. Coxe, secretary of the interior, in a letter to the commissioner of the general land office, taking up the matter of the appeal of Lucien B. Maxwell from the decision of the commissioner as to the survey, states that the only evidence in his office as to the extent of the tract "is contained in a statement to the Mexican authorities made by Beaubien, one of the original grantees, that the whole quantity claimed by them did not exceed fifteen or eighteen square leagues. By the statement of the counsel for the parties in interest, as well as from the other evidence you have adduced, it appears that under this grant a tract of land is now claimed containing upwards of four hundred and fifty square leagues, or over two millions of acres." The report of the Senate committee of private land claims, made May 19, 1860, which was accepted and carried out by Congress, the secretary continued, "fixed, in the case of the claim of Scolly and others, the interpretation of the Spanish measurement by leagues, to wit, that the phrase 'cinco leguas cuadradas' must be interpreted to mean five square leagues, and not five leagues square, and so in like cases. In the case of the claim of Vigil and St. Vrain, they also declare that 'under the Mexican colonization law of 1824 and regulations of 1828 the extreme quantity allowed to be granted by the governor to any colonist was eleven square leagues.' \* \* \* As these rules for the interpretation of a grant which would otherwise be vague are contained in the very report under which the grant in question was confirmed, there can be no hesitation in applying them to this grant, and to determine that it was the purpose and

intent of Congress to confirm the grant to Beaubien and Miranda to an extent not greater than eleven square leagues to each claimant. \* \* \* Where a Mexican colonization grant is confirmed without measurements of boundaries or of distinct specification of the quantity confirmed, \* \* \* no greater quantity than eleven square leagues to each claimant shall be surveyed and set off to them. \* \* \* In this case two such tracts of eleven square leagues are held to be covered by the grant, and may be surveyed accordingly. \* \* \* I feel the less hesitation in coming to this conclusion because I find in the original papers accompanying the report of the congressional committee, that prior to the cession of New Mexico to the United States the right of the claimants to this tract had been disputed upon the ground (among others) that a much larger tract was claimed by them than had been intended to be conveyed by the Mexican government; that it was in reply to this objection that Beaubien had declared that their grant did not exceed fifteen or eighteen leagues, and referred to judicial certificates accompanying his statement for proof of such limitation of his claim. After obtaining a grant upon so explicit a statement of the amount claimed, it would be, in my judgment, a gross fraud upon the government to allow it to be extended to the enormous quantity of four hundred and fifty leagues or upwards, and, in view of the fact that in Mr. Benjamin's report it was declared that a pretense of an application for a grant of one hundred square leagues in the Scully case would have been 'too extravagant for belief,' it cannot be presumed that Congress intended to confirm a grant of the enormous character now claimed, unless the description of the tract itself and the measure of the boundaries were so given as to show definitely and explicitly the quantity intended to be conveyed."

In view of this decision, Maxwell withdrew his application for the survey of the grant, all his rights in which he had assigned to the Maxwell Land Grant and Railway Company. Secretary Delano of the interior department refused to reverse the decision of his predecessor, leaving the parties to congressional or such other relief as they might be able to obtain.

On March 16, 1876, the commissioner of the land office directed Henry M. Atkinson, then surveyor general, to notify the claimants "to select the twenty-two square leagues of land, by legal subdivisions, in satisfaction of their claim, as reduced by the decision of the honorable secretary of the interior, dated December 31, 1869."

In 1877 and 1878 a number of men who had settled upon land lying outside of the boundaries of the original grant sent to the surveyor general written protests against the extension of the boundaries to the extent that their lands would be included within the boundaries of the grant.

When the last private survey was made under Maxwell's directions, the surveyor general of the New Mexico reported to the commissioner of the general land office that "the claimants under Beaubien and Miranda have surveyed inside the grant some thirty townships and subdivided them." By this survey the area of the grant was increased from the original claim of not to exceed eighteen leagues to something in excess of one thousand square miles.

When the matter was referred to George H. Williams, attorney general of the United States, for his opinion, in 1872, the latter wrote: "It makes no difference what were the powers or proceedings of the Mexican authori-



ties; if Congress knew that there were more than twenty-two leagues in the tract, or, if avowing their ignorance and indifference, they made the grant by metes and bounds, there is an end of controversy as to the title of the land within said metes and bounds. \* \* \* It is only 'in the absence of any other guide' that the restriction to 'eleven square leagues' was applied. \* \* \* Plain, practical and sensible men in reading the act of Congress making this grant would have no doubt that it surveyed the land within the plainly specified metes and bounds."

A somewhat surprising feature of the papers on file in the office of the surveyor general of New Mexico is the fact that the paper alleging to be a certificate of James K. Proudfit, surveyor general from 1872 to 1886, to the effect that the printed copy of the report of Surveyor General Pelham is "a true and correct copy and transcript as taken from the original archives, records and files in my office of the original grant of land made by the Mexican government to Charles Beaubien and Guadalupe Miranda, as also of the sworn transaction thereof now in file in my office," and the accompanying attestation as to the genuineness of Proudfit's signature, made by the secretary of the Territory, were not signed by either of these officials, but attached to the papers in question *in blank*.

September 12, 1859, Alfred Bent, Estefina Hicklin and Teresina Bent, children of Charles Bent, first governor of New Mexico, and Alexander Hicklin, husband of Estefina Hicklin, instituted in Taos county a bill in equity against Guadalupe Miranda, Charles Beaubien, Lucien B. Maxwell and Joseph Pley, part owners of the property then known as the Beaubien and Miranda, or Maxwell, land grant, alleging that Charles Bent was, in his lifetime, by virtue of a certain parol agreement with Beaubien and Miranda, entitled to the undivided one-third of this grant. Upon Governor Bent's death in 1847, the three mentioned, his sole heirs, brought action to recover their alleged rights. Pending this suit, Beaubien died, and his heirs were made a party to the suit. Teresina Bent in the meantime married Aloys Scheurich, who also became a party thereto. June 3, 1865, the court declared these three heirs of Governor Bent to be absolutely entitled to the undivided one-fourth part of the grant and confirmed their title to this portion of the grant. Before the partition of the land had been effected Alfred Bent died intestate, leaving three minor children—Charles, Julian and Alberto Silas Bent. Soon afterward a compromise was effected between the Bent heirs and the other parties to the action, by which Maxwell agreed to pay to the Bent heirs the sum of eighteen thousand dollars, and the original decree was set aside.

In May, 1866, Aloys Scheurich and his wife and Alexander Hicklin and his wife conveyed their holdings (an undivided two-twelfths) to Maxwell, and Guadalupe Bent, widow of Alfred Bent, did the same. In a suit brought in 1884 it was alleged that Guadalupe Bent could not read, write or speak English and was ignorant of the business of law courts, of boundaries of land, or confirmation of said grant by Congress; also charged numerous false representations on the part of Maxwell to secure her consent to the sale; also charged she never received any portion of the money (six thousand dollars), nor did any of her heirs.

In July, 1870, Maxwell had sold to the Maxwell Land Grant & Railway Company most of the lands in the original grant. By 1875 the Maxwell Land Grant Company was bankrupt. All its personal property had

been sold by the sheriff to satisfy judgment creditors, and all of the company's land in New Mexico was sold for unpaid taxes. At this time Stephen B. Elkins was president of the company, W. R. Morley was vice-president, Harry Whigham was secretary, and the directors included Thomas B. Catron, Dr. R. H. Longwill and H. M. Porter. No meeting of the directors of the company was held after 1875, as provided by law, and in 1878 the property went into the hands of W. T. Thornton as receiver. Mr. Thornton retained possession of the property until 1880, when the property was sold under foreclosure in behalf of the first mortgage bondholders.

Stephen B. Elkins, more than any other individual, was responsible for the successful consummation of the schemes of the land company to defraud the American government and the people of New Mexico. Elkins, having graduated from the University of Missouri in 1860 and been admitted to the bar in 1863, came to New Mexico, and, by interesting himself in politics, was appointed to the federal office of district attorney. The Mexican system of peonage, slavery for debt, was in full operation then, and Elkins laid the foundations of his fortune by wholesale prosecutions, each of which netted him a good sum of money, whether there was conviction or compromise. With the capital thus gained lawfully, the young lawyer and politician went into the business of grabbing public land—keeping firm grip on his political power, and getting successively the invaluable offices of attorney general of the Territory and territorial representative in Congress. As a citizen of New Mexico, a "captain of industry" and a "developer of resources" he was compactly described by the distinguished George W. Julian, one time surveyor general of New Mexico and a careful, honest man, in a speech at Indianapolis, on September 14, 1892. Said Julian:

"Elkins' dealings were mainly in Spanish grants, which he bought for a very small price. Elkins became a member of the land ring of the Territory, and largely through his influence the survey of these grants was made to contain hundreds of thousands of acres that did not belong to them. He thus became a great land holder, for through the manipulation of committees in Congress grants thus illegally surveyed were confirmed with their fictitious boundaries.

"He made himself particularly conspicuous as the hero of the famous Maxwell grant, which, as Secretary Cox decided in 1869, contained only about ninety-six thousand acres, but which, under the manipulation of Elkins, was surveyed and patented for 1,714,764 acres, or nearly 2,680 square miles. Congress, through the action of its committees, was beguiled into the confirmation of the grant, and thus the Supreme Court was compelled to recognize this astounding robbery as valid. By such methods as these more than 10,000,000 acres of the public domain in New Mexico became the spoil of the land grabbers; and the ringleader in this game of spoliation was Stephen B. Elkins, the confederate of Stephen W. Dorsey, and the master spirit of the movement. I do not speak at random, but from official documents and ascertained facts with which I became familiar during my public service of four years in that Territory."

In the fall of 1883 testimony in suit in equity of the United States government against the Maxwell Land Grant Company, the Denver & Rio Grande Railway Company, the Pueblo & Arkansas Valley Railroad Com-

pany and the Atchison, Topeka & Santa Fé Railroad Company was taken at Trinidad, Colorado, before E. J. Hubbard. J. A. Bentley and E. B. Wiegand appeared for the government and Frank Springer for the defendants.

A vast amount of evidence was introduced in behalf of the government to show that the original grant to Beaubien and Miranda contemplated investing in them title to a relatively small tract of land, situated on the rincon of the Red river. It was shown that in 1860 L. B. Maxwell, then owner of the grant, had said to a prospective settler in the neighborhood that he claimed as belonging to his grant all the lands drained by waters flowing into the Vermejo or the Red river, and the lands drained by waters flowing into the Purgatoire belonged to the St. Vrain grant.

As has been seen, serious trouble between the proprietors of the Maxwell land grant and squatters upon portions of the tract of land claimed by the company began with the discovery of gold in the neighborhood of Mount Baldy soon after the close of the Civil war. These misunderstandings reached an acute stage in 1887 and 1888, when the company, in order to effect an amicable adjustment of the difficulties, announced that it was prepared to buy the rights of all settlers, the improvements they had made to the property on which they had located, and their live stock. Those who would not return to the company a quit claim deed in return for the moneys at which the company appraised the various disputed properties were sued.

In the winter of 1887-8 officers and representatives of the company visited Stonewall, Colorado, to serve papers in a suit against one or more of these squatters, when a fight occurred between the officers and some of the "anti-granters" there, the latter attempting to force the company's agents to leave the neighborhood. In the melee that followed a man named Russell was killed and several were injured. A couple of years before this event the company had instituted ejectment proceedings against O. P. McMains. McMains was one of the leaders in the fight against the grant authorities, and when an attempt was made to serve execution papers upon his stock, his friends rallied about him and defied the constituted authorities. For a time their tactics were successful. At this time one Cook, a deputy sheriff, and a man named Russell were in the employ of the grant as special officers. Soon after the failure to attach McMains' stock, Cook was waylaid and shot, though not fatally. He then swore out a warrant in blank in the hopes of securing his assailant, and attempted to arrest an old Indian living on Poñil creek, whom he suspected. The Indian resisted arrest and Cook killed him. A short time afterward, while Cook and Russell were traveling down Vermejo creek, they were intercepted by a number of Mexicans, who killed Russell and wounded Cook's horse.

The anti-grant element, consisting of practically all the settlers upon the tract claimed by the company, fully believing that efforts were being made by the company to deprive them of their rights without a show of justice, about this period effected an organization whose aim was to protect the titles of all concerned. The best men living upon the land claimed by the company, whose homes in some cases were remote from the tract included within the original boundaries of the grant as it had been defined by Maxwell himself, were parties to this historic contest, and led the fight

against what they firmly believed to be an attempt to rob them. These troubles continued, with an occasional killing on one side or the other, until after the adjustment of the long-mooted question by the United States Land Court in the early nineties.

The Maxwell Land Grant Company brought an ejectment suit in 1892 against John B. Dawson to recover possession of a tract of about twenty-five thousand acres located within the limits of the Beaubien and Miranda (or Maxwell) grant, the grant at the time being one million seven hundred and fourteen thousand acres. Fifteen thousand acres had been conveyed by Maxwell prior to May 26, 1869 (really January 7, 1869), when he sold his grant, and Dawson occupied this, which the Maxwell Land Grant Company did not dispute, and some additional land (coal land), which they claimed. The Supreme Court sustained Dawson in his possession.

After Maxwell sold to Abreu the property occupied for many years by the latter, a tract bounded on the north by the center of the mesa of the Urracca and the divide to Canyon Bonita, Maxwell sold to Peter Joseph, father of Antonio Joseph, of Ojo Caliente, all of the land north of the Abreu tract from the Chicora to the Cimarroncita, west of the road from Rayado to Cimarron. The boundaries were well defined at the time. The heirs of Joseph afterward sold their property to Francis Clutton; a son-in-law of M. P. Pells, then general manager of the Maxwell Land Grant Company. When Clutton surveyed the land, he recognized the boundaries. Clutton soon afterward sold his interest to McCormick, who has brought suit to quiet title to a large portion of the grant south of the present north boundary of the Abreu tract, comprising several thousand acres, which formed a part of the original Abreu purchase, and still occupied by the Abreu family. This tract has been occupied by Mrs. Petra B. Abreu since 1857. Aside from this occupation, Judge Beaubien, Mrs. Abreu's father, one of the original grantees, made a will, and the heirs sold their respective interests inherited from their father to L. B. Maxwell. But Beaubien's wife never sold her interest, nor signed the papers transferring her husband's interest in the land, and consequently it is now maintained that the living heirs of Judge Beaubien have legal rights in the property as heirs of his wife.

The Territory was greatly wrought up in 1883, 1884 and 1885 over the extensive fraudulent operations in land in New Mexico. The matter was investigated under direction of Congress, and the report of the special agents who performed the work showed that the register of the land office had entered into collusion with a ring of capitalists to get possession of vast areas of public land in the Territory by fraudulent means. The report recommended the dismissal of the register of the land office and his punishment by the courts. It gives an interesting history of how some of the large cattle raisers were able to obtain large ranches upon the payment of merely nominal sums. Nineteen fraudulent homestead entries were found in Colfax county alone, and patents for fourteen of them had been procured by the register for one Pedro Sanchez. All the entries were made to fictitious names or names of people who knew nothing about them. It was also officially declared that the register worked in collusion with the surveyor general, Atkinson. The American Valley Cattle Company, a large corporation, was one of the combinations which was prominent in securing large tracts of land through fraudulent entries and conveyances.





**Charles H. Trotier-Beaubien, Deceased**

Original owner of the Maxwell Land Grant. From an oil painting in the possession of his daughter,  
Mrs. Petra B. Abreu, of Rayado, N. M.

The history of this corporation's occupation of the public lands is a long story of the most diaphanous fraud. One glaring instance of their reckless plundering was shown by their entering a homestead in the name of "Hank" Andrews, an Indian desperado, who had been hanged by a mob some time before. A great tract of coal land was also appropriated by a ring of speculators. Evidence was given that one thousand dollars was paid to one of the minor land officials for a favorable decision on the application. The accused officials were permitted to resign, and through the influences that prevailed in the United States Senate no steps were taken to cancel patents issued.

Charles Hipolyte Trotier-Beaubien, by reason of his ownership of what might be regarded as an empire in itself, became a most conspicuous figure in pioneer history of the west. He was born in Canada, probably at Three Rivers, and was descended from a long line of noble ancestors. The family became well represented in America, and several of its members have become prominent in affairs in this country and in Canada. The first representative of the name in Canada was Jules Trotier, who was born in 1590 at St. Malod 'lye au Perche, France, and there married Catherine Loyseau. His son, Antoine, Sieur des Ruisseaux, married Catherine Lefebone, by whom he had a son, Michael, Sieur de Beaubien—the first of the family to be called Beaubien, Seigneur de la Riviere du Loup. The latter married Agnes Godfroy de Linctot, and after her death he married Therese Mouet de Moras. Louis Trotier, Sieur de Beaubien, son of the second marriage, married Marie Louise Robida Manseaux. They had a son, Paul Trotier, Sieur de Beaubien, who on October 3, 1795, married Louise Charlotte Adelaide Durocher, daughter of J. B. Durocher and Marguerite Boucher-Denoix.

Charles Hipolyte Trotier, Sieur de Beaubien, was the first child of this marriage. Upon leaving Canada for the United States he used the name of Beaubien, by which he was thereafter known. Arriving in New Mexico in 1823, in company with a number of other French Canadians who desired to investigate the resources of the wonderful northern province of Mexico, he went directly to Taos, where, in 1827, he married Paula Lobato, daughter of one of the prominent Spanish citizens of that historic town. To them were born the following children: Narciso, who was killed during the uprising of 1847, commonly known as the Taos revolution; Luz, who became the wife of Lucien B. Maxwell; Leonar, who married V. Trujillo; Juanita, who married L. D. J. Clouthier; Teodora, who married Frederick Müller; Petrita, who married Jesus G. Abreu, and Pablo, who married Rebecca Abreu.

About 1846 Mr. Beaubien traveled from Taos down to the Cimarroncita, where he found Lucien B. Maxwell located just north of the present site of the Abreu ranch. A company of United States regulars were also occupying the military post which had been established there by the government. The house on the ranch had been erected a short time before by Lieutenant Wilson of the army. About the same time Kit Carson erected a home about three hundred yards from the ranch house in a southerly direction, the ruins of which are still standing.

Guadalupe Miranda, a citizen of Mexico, had asked the Mexican government for a grant of land in that section of the province, and this grant was conferred upon Beaubien and Miranda, who had previously agreed to

the partnership. Soon afterward Beaubien purchased Miranda's interest and became sole owner of this great grant, the history of which will be found elsewhere in this volume. The final payment to Miranda was not made by Beaubien until 1857, when Pablo Miranda, son of Guadalupe Miranda, visited Taos to receive the money due. Miranda never resided upon any portion of the grant, but retained his residence near Juarez, Mexico. His descendants still reside there. After the death of Beaubien, February 10, 1864, his heirs sold the grant to Lucien B. Maxwell, who in the same year sold a portion of it to Jesus Gil Abreu.

During all these transactions Beaubien continued to reside in Taos, where his death occurred and where he was buried. He took an active interest in all public affairs. He was one of the first district judges in New Mexico, having been appointed by General Kearny to the bench in the third district, consisting of the counties of Rio Arriba and Taos. To the native inhabitants he was known as "Don Carlos" Beaubien. Kit Carson, who was known to the natives as "Don Cristobal" Carson, Colonel Ceran St. Vrain, Governor Charles Bent, Richens Wootten and Lucien B. Maxwell were his contemporaries, and their influence among the native inhabitants was paramount, excepting during the troublous times commonly referred to as the Taos revolution.

Don Jesus Gil Abreu, one of the most conspicuous of the native inhabitants of northern New Mexico, was a representative of a family distinguished in the early history of the province of New Mexico. Don Santiago Abreu, his father, brought to Santa Fé the first printing press ever used in this Territory, purchasing it in Chihuahua, Mexico. After his death his widow sold it to Fr. Martinez, of Taos, who employed it in printing the first newspaper published in the Territory. During the Indian insurrection of 1837 he was appointed an officer on the personal staff of Governor Albino Perez, and was killed about the same time the governor met his death, near the site of the present town of Thornton, close to the pueblo of Santo Domingo. At this time Don Santiago was judge of the district court at Taos—a patriotic spirit and therefore a vigilant defender of the Spanish and Mexican inhabitants and a foe to the enemies of the established government. It appears that he was as greatly feared by the insurrectionists as was Governor Perez. Two of his brothers were killed at the same time.

Don Jesus Gil Abreu was born in Santa Fé, September 1, 1823. After the death of his father he continued to reside in Santa Fé until the early 40's, probably about 1842, when he started overland for Independence and Westport, Missouri, in company with a man who had gathered a herd of Mexican mules in Sonora and intended to market them in the east. From Missouri he went to Kentucky for a short time. Returning to Independence, he became a clerk in the mercantile house of Lee & McCoy, and while in their employ was sent to eastern cities with the Perea brothers of Bernalillo, New Mexico, in the capacity of interpreter. He was also employed by a Mr. Bernard in Westport. When the American troops came to New Mexico in 1845 he accompanied them, and was engaged by a sutler with the army as interpreter in Chihuahua. When peace was declared the duty of taking the news from Chihuahua to Santa Fé fell to him.

That portion of the American army then in Chihuahua was ordered to proceed to New Mexico when peace was declared, and Mr. Abreu's em-





James H. Abbe





*Jesus G. Abrah*



ployers desired to send word ahead to Colonel Ceran St. Vrain to buy up all sutlers' goods before the army reached Santa Fé to enable it to enjoy the monopoly of the trade. He made the journey in seven days, passing through a region infested with tribes of savage Indians without interference or delay. In Santa Fé he was employed in the store of Colonel St. Vrain and at the same time acted as interpreter for the government. In the winter of 1848-49 he carried the United States mail between Santa Fé and Leavenworth, when, owing to the deep snows and cold weather, the trip consumed forty days. This was the second mail carried between these points, the first having been carried by Thomas Boggs.

In 1850 or 1851 Mr. Abreu went to California, traveling over much of that state. After his return to New Mexico he entered the employ of Joseph Pley, a partner of Maxwell in the latter's commercial enterprises, first as a clerk in the store at Mora, and after 1857 in the store at Rayado. At the latter place he established a general store and supplied stores and provisions to the army post located near by. In 1862 he purchased a ranch of several thousand acres of Maxwell, located in the extreme southern part of the Maxwell grant, where he spent the remainder of his life. His death occurred there June 30, 1900.

On the 26th of November, 1859, Mr. Abreu was united in marriage to Petrita Beaubien, daughter of Charles Beaubien. She was born in Taos, June 29, 1844. They became the parents of the following children: Charles Frederick; Josefa, who married D. A. Clouthier, of Springer; Jesus Librado; Santiago Pedro; Adaline, the wife of Emilio Valdez; Sofia; Victoriana; Narciso McCoy; and Ramon Eduardo. Mrs. Abreu still occupies the historic ranch at Rayado, surrounded by several of her children. The ranch house is one of the most picturesque and attractive in New Mexico and is the scene of a most generous hospitality. The Rayado ranch consists of over twenty thousand acres of mountain and plain, and is considered by many to be one of the most valuable properties in the southwest. Surrounding the residence are the ruins of a number of historic buildings, including the old homes of Kit Carson, L. B. Maxwell and others. On the estate is a private chapel, erected for the use of the family and their retainers. It is one of the few remaining baronial estates in America, and to the visitors from other sections of the country one of the most fascinating spots in the southwest.

Don Santiago Abreu, a brother of Don Jesus, received his education in an eastern university. During the late '50s he was employed as a clerk in Westport, Missouri. Upon his return to New Mexico he conducted a general mercantile establishment at Nora and Penasco and became widely known throughout the Territory. For some time he served as a member of the board of county commissioners of Taos county and represented Taos county in the council in the nineteenth legislative assembly (1869), in the house in the twentieth legislative assembly (1871) and in the twenty-third assembly (1878). His death occurred in 1904.

Charles F. Abreu, son of Don Jesus Abreu, was born at Taos in 1860 and was reared on the famous ranch at Rayado. He was educated in St. Michael's College and the Christian Brothers' Academy at Santa Fé and in St. Mary's College, Kansas, completing his course in the latter institution in 1880. Until March, 1906, Mr. Abreu remained on the home ranch, superintending its operations. Since March of the latter year he

has been engaged in the real estate and stock brokerage business in Santa Fé as the senior member of the firm of Abreu & Sena. In politics a staunch Democrat, he took an active interest in public affairs while a resident of Colfax county, serving as superintendent of the county schools and as county assessor. It is a noteworthy fact that in his veins runs the blood of the first Spanish explorer of what is now New Mexico—Cabeza de Vaca—and of the ancient families of Ortiz, Alarid, Pino and Delgado.

**LAS VEGAS GRANT.**—The history of the Las Vegas grant, as contained in the decision of Chief Justice Long and the exhibits of evidence, is very instructive, not only with reference to the locality of the grant, but to land grants in general. The case involving the history came up in the district court of the fourth district, San Miguel county, in 1887, when Moses Milhiser and others, trading as partners under the name of the Las Vegas Land and Cattle Company, brought suit against Jose Leon Padilla and others to enjoin the latter from maintaining fences on the Las Vegas grant or depriving the plaintiffs, either by means of the fence or in any other manner, from "the free and uninterrupted use and possession" of the tract of land so enclosed, or from any other part of the Las Vegas grant. The case was finally argued in August, 1888, and the decision of Chief Justice Long was rendered in October, 1889.

The early history of the grant is given in a report of Surveyor-General William Pelham, before whom, according to law, the grant had come in 1858 for consideration, and who found at the time there were two claimants to the land—one the heirs of Luis Maria Baca and the other the town of Las Vegas.

The claim of the Baca heirs was based on the following history:

✓ On the 16th of January, 1821, Luis Maria Cabeza de Baca, in his own name and that of seventeen male children, petitioned the provincial deputation of the state of Durango, under whose jurisdiction, he avers, the province of New Mexico then was, for a tract of public land suitable for cultivation and pasture, called the Vegas Grandes, on the Gallinas river, in the jurisdiction of El Bado. In this petition he states that a like petition had been made to the authorities of the province of New Mexico, and that, by a decree of the 18th of February, 1820, the land was granted to him and eight other persons, but as these persons already possessed land elsewhere they took no interest in its cultivation, and prays that the grant be made to himself and his aforementioned children, with the following boundaries, to-wit: On the north the Sapello river, on the south the boundary of El Bado, on the west the summit of the Pecos mountain, on the east the Aguaje de la Yegua and the boundary of Don Antonio Ortiz.

On the 17th day of October, 1823, Bartolome Baca, political chief of New Mexico, directed the alcalde of El Bado to place Luis Maria Cabeza de Baca in possession of the land called for in his petition, as the eight individuals who accompanied him in his first petition had placed no improvements on the land and the alcalde was required to certify at the foot of the order the proceedings had by him in the premises.

The claim of Las Vegas was based on the following proceedings:

On the 20th day of March, 1835, Juan de Dios Maese, Miguel Archuleta, Manuel Duran and Jose Antonio Casaos, for themselves and in the name of twenty-five others, petitioned the corporation of El Bado for a

tract of land for cultivation and pasture, situated in the county of El Bado and bounded as follows: On the north by the Sapello river, on the south by the boundary of the grant of Don Antonio Ortiz, on the east by the Aguaje de la Yegua, and on the west by the boundary of the town of El Bado.

On the same day the corporation of El Bado transmitted the petition to the territorial deputation, with the recommendation that the petition be granted.

On the 23rd of March of the same year the grant was made by the territorial deputation with the boundaries asked for, with the further provision that persons who owned no lands were to be allowed the same privilege of settling upon the grant as those who petitioned for it.

On the 24th of the same month and year Francisco Sarracino, the acting governor or political chief, directed the constitutional justice of El Bado to place the parties in possession, and adding: "It is also convenient to suggest that you should select for the settlers a townsite and provide them with lots for residence, together with such other steps as you may deem proper for the security of the inhabitants, who on account of settling on the land indicated will be included in your jurisdiction."

In compliance with his instructions, the Constitutional Justice of El Bado reported as follows:

"At Nuestra Señora de los Dolores de Las Vegas, on the sixth day of the month of April, in the year one thousand eight hundred and thirty five, jurisdiction of San Miguel del Bado, I, citizen Jose de Jesus Ulibarri y Duran, Constitutional Justice, the only one in this jurisdiction, proceeded to this town for the purpose of apportioning the lands to the twenty-five individuals mentioned in the petition, dated March 20, 1835, and in general to those who are without lands, not only those within this jurisdiction, but also any one who may present himself to me, who has no occupation, and having examined the land, I took the measure from north to south, after which I made the apportionment according to that portion of the colonization law which refers to grant of public lands, each individual received a gratuitous piece of land, according to his means, with the understanding that the lands given to the persons contained in the accompanying list, none should remain uncultivated."

The surveyor-general was convinced of the legality of both these claims and recommended the confirmation of both these titles, leaving to the respective claimants the right of adjusting their conflicting claims in the courts. But the Senate committee to whom the surveyor-general's report was referred maintained that Congress had other duties imposed on it, and was bound to legislate in such manner as to prevent, if possible, so disastrous a result as the plunging of an entire settlement of families into litigation, at the imminent hazard of being turned out of their homes, or made to purchase a second time, from a private owner, lands for which they paid their government a full equivalent, in the labor, risk and exposure by which they have converted a wilderness, surrounded by hostile savages, into a civilized and thriving settlement; "and this," concluded the committee, "can be done with little loss or cost to the government."

"The claimants under the title to Baca, have expressed a willingness to waive their older title in favor of the settlers, if allowed to enter an equivalent quantity of land elsewhere within the Territory: and your Com-

mittee cannot doubt that Congress will cheerfully accept the proposal, which, indeed, would undoubtedly have been acceded to by Mexico if the Territory had remained hers, to whose rights and duties the United States have succeeded."

The clause of the act of Congress confirming the grant and settling the dispute, is as follows:

*"And be it further enacted*, that it shall be lawful for the heirs of Luis Maria Baca, who make claim to the said tract of land as is claimed by the town of Las Vegas, to select, instead of the land claimed by them, an equal quantity of vacant land, not mineral, in the Territory of New Mexico, to be located by them in square bodies, not exceeding five in number. And it shall be the duty of the Surveyor-General of New Mexico to make survey and location of the lands so selected by said heirs of Baca when thereunto required by them: *Provided*, however, that the right hereby granted to said heirs of Baca shall continue in force during three years from the passage of this Act, and no longer.

"Approved June 21, 1860."

This was the history of the manner in which title to the grant was vested in the town of Las Vegas by Congressional confirmation. The title was unquestioned until the case mentioned at the beginning was introduced. The complainants based their suit for the ownership and use of the Las Vegas lands in common not as original grantees, but through the rights and interests conveyed from original grantees, among whom one Pablo Ulibarri was the first mentioned in the evidence.

For the remainder of the history we quote the pertinent facts from the chief justice's decision:

"The evidence shows that on the 6th day of April, 1835, the Constitutional Justice, Jose Jesus Ulibarri, made allotments on the Las Vegas Grant to twenty-five individuals, and among them Pablo Ulibarri, presumably from the identity of name, the person through whom the complainants claim. He was probably one of the twenty-five referred to in the petition. Did these twenty-five persons after the grant was executed and the allotments were made, to the exclusion of others, have jointly title to or equitable right to the exclusive occupation of the vast area within the boundaries of the Las Vegas Grant, numbering nearly 500,000 acres in quantity? Did the Mexican government intend to give 20,000 acres to each of the twenty-five persons? Did that government at that early day surround such a principality in quality and quantity with a wall either legal or equitable which would make all colonists who crossed it, trespassers and intruders? How would the Mexican government at that date have treated a claim by these twenty-five men, to exclude all other colonists from settling upon the unoccupied valleys within the boundaries now claimed as the limits of the grant? It certainly cannot be claimed that after the cession of New Mexico to the United States, the title or equity of Pablo Ulibarri was any greater than before that occurrence. With a transfer of his property to the jurisdiction of the United States and of his allegiance thereto, there remained exactly the legal and equitable rights which he held before, only they were to be protected by a different jurisdiction. They were not enlarged by the change, nor were they lessened. The legal tribunals of this government are bound to uphold in favor of Ulibarri and his grantees, just the rights, the legal and equitable interests,



which would have been protected by Mexico, as no fact is either averred or proven to show any enlargement of his rights by facts occurring since the annexation. \* \* \*

"What the government of Mexico would have done with a claim of right on the part of Pablo Ulibarri to eject from the Las Vegas Grant, either by suit in a court of law, or to restrain and enjoin in a court of equity, all other persons, save his twenty-four associates, and to control and convert to their own use to the exclusion of all newcomers, the 500,000 acres, its pastures, the irrigable land in the valleys, the hay upon its natural meadows, its springs, creeks and rivers, may be determined in this case by an examination and consideration of the decree of the Provincial Deputation, and the acts of the Mexican authorities who distributed lands under the grant, and the acts of the grantees themselves; also by the action of the surveyor-general and Congress of the United States. Let us then consider the various grant papers and the acts of public officials with respect thereto and also the acts of the petitioners.

"That the petitioners for the grant did not expect a concession which would enable them to hold so large a body of land for themselves only, to the exclusion of newcomers, seems probable from the fact that they 'solicit it for the purpose of planting a *moderate crop*, to have also the necessary land for pasture and watering places.' The encouragement of agriculture is given as one of the reasons why the land is asked, and the Corporation of San Miguel del Bado give that also as a reason why the petition should be granted. To withdraw from the settlement such a large body of land and to parcel out the same to twenty-five persons only, would not seem to be an act tending in any great degree to the promotion of agriculture. The Provincial Deputation acting upon the petition, placed the grant in such terms as to leave little doubt of its true meaning. Under date of March 23d, 1835, that body, at Santa Fe, expressed its purpose and intent, and specified those who are granted the right to settle upon and occupy the lands granted, in these words:

"In consultation of today his Excellency has resolved as follows: The land contained within the boundaries expressed in this petition is granted, not only to the petitioners and the residents of El Bado, but also, generally, to all who may be destitute of lands to cultivate: Provided, that the grant to these lands is made on condition that the pasturage and watering places are free to all."

There is the grant. It is broader than the petition. Its words are not ambiguous. First, the Provincial Deputation says, in legal effect, we do not make this grant to you, the petitioners alone, but as well to the residents of El Bado, and that you may not be mistaken or misunderstand, we add, also, generally, to all who may be destitute of lands to cultivate. \* \* \* Pablo Ulibarri accepted the decree and is bound by its recitals, and a purchaser from him is bound also by all limitations imposed in the grant on Ulibarri's possession and title. Suppose the defendants in this case had at that early day, at any time from 1835 to 1840, settled upon the tract they now occupy, intending to make a home thereon to support themselves and families, and Pablo Ulibarri had then applied to the tribunals of Mexico, as those who claim through him now do in this case, is there any doubt but

that Ulibarri would have been referred to the grant just quoted and that it would have been said to him, "That grant is not to you and your twenty-five associates alone, but 'generally' to all who may be destitute of lands to cultivate." If that rule would have been then applied by the Mexican government to the claim of Ulibarri, so should it now be applied in the ascertainment of rights growing out of the grant by our government, to those who succeeded only to his rights.

The instructions of Sarracino, secretary of the Provincial Deputation, on the very day after the action of that body, are full of light as to the true intent and meaning of the Las Vegas Grant. His direction to the Constitutional Justice of El Bado is as follows: "The grants are to be made according to the means of each one of the petitioners, in order that they may not leave any land which may be given to them without cultivation."

This instruction of the secretary is the first construction given to the grant, and it is well to observe that he treats the act of the Provincial Deputation, not as a single grant to several jointly, but as several grants of small tracts to each one separately within the boundaries, so far as each may be able to cultivate. He uses the word "grants" in the plural and as applied separately to each. In the April following the grant, the Constitutional Justice to whom the instructions were sent, visited the place for the purpose of performing his duties. He did not understand that the whole tract was the property only of the twenty-five referred to in the petition. He says in his report: "I proceeded to this town, for the purpose of distributing the lands to twenty-five individuals, mentioned in the petition dated March 28, 1835, and in general to those who are without lands, not only those in this jurisdiction, but also any one who may present himself to me who has no occupation." \* \* \* Here is a construction of the grant by those who were first called upon to act under it, which does not limit the right to lands within the grant to any particular person. Under the distribution thus made by the Constitutional Justice, April 6th, 1835, Pablo Ulibarri received 150 varas of land. At the same time a list was made containing the names of over one hundred other persons who were entitled to allotments under the grant with the amount to which each one was entitled.

Again, in June, 1841, a further allotment was made to a large number of persons. In November, 1846, an order was made for a further distribution of the lands of the grant by the "Señor Justice of the District of the Centre," who presumably had jurisdiction, and accordingly Juan de Dios Maese made allotments to thirteen persons by name, lands which had been allotted, and which were not cultivated by the persons to whom given, were declared forfeited and were allotted to other persons. Juan de Dios Maese, who made the allotment November 25th, 1846, to twelve additional Mexican citizens, was himself one of the original petitioners. All these facts, which throw light upon the understanding of the petitioners for the Las Vegas Grant as to the extent of the interest conveyed to them, was so near in point of time to the date of the grant, as to clearly indicate not only the construction which the Mexican authorities placed on the grant papers, but also the interpretation given thereto by the petitioners. Why were additional settlers located on the land by the Mexican authorities to the extent of over one hundred, in addition to the original petitioners, within ten years after the grant was made, if those entrusted by the Mexican government with the duty of construing the grant and

administering the land laws, construed the grant as conveying exclusive right, either legal or equitable, to the original petitioners? These contemporaneous acts constitute the highest evidence of the construction which the Mexican government and the petitioners themselves placed upon the grant. It would seem, from a careful consideration of the terms of the grant, the acts of the petitioners and of the Mexican authorities, in evidence, up to 1846, that assertion of exclusive title on the part of those then in possession of particular small tracts, to exclude all new comers from other places on the grant, would have been rejected by both the settlers and authorities of Mexico. \* \* \*

Sarracino, in his instructions accompanying the grant, says: "It is also convenient to suggest that you should select a site for a town to be built by the inhabitants, together with such other steps as you deem proper for the security of the inhabitants, who on account of settling on the land indicated will be in your jurisdiction; you will, therefore, adopt such measures as will be most conformable to the laws." This is all clear. Jurisdiction for the time being was to be in El Bado, a new town was to be built on the new grant, for the security of those settlers then there and those who should come from time to time and receive allotments. \* \* \*

Elsewhere in the documents in evidence the settlement is called: "The new settlement entitled Neustra Señora de Los Dolores de Las Vegas." Places for gardens, for roads, for watering places, for a public plaza, for a temple, are all designated by the Mexican authorities. If this was a gift to individuals for their private control and uses, why all this distribution and designation? Six years after the date of the grant, June 11th, 1841, the Constitutional Justice recites, that a new ditch or acequia had been "opened for the upper town," and he proceeds to distribute to nine different persons 1,000 varas of land "on the new ditch." What right had this officer to parcel out land "on the new ditch" to these strangers if Pablo Ulibarri and his associates were the exclusive owners or proprietors of all the land? In the face of the petitioners new ditches were opened, new towns built, new distributions of land made, so far as the evidence shows, without objection, all of which is inconsistent with the assertion by Ulibarri and associates of the right in themselves of exclusive possession to the whole grant. What would the Constitutional Justice engaged in making this distribution have said to Pablo Ulibarri, had he objected to distribution of land on this new ditch to the settlers as they come in? It is clear such a claim would then have been promptly rejected. In November, 1846, the Justice making the distribution says: "In the town of Las Vegas, on the 25th day of November, 1846, at the request and by official grant of land for cultivation, made by the senior Justice to the citizens contained in the present list, I proceeded with my attending witnesses to distribute said lands." This evidence was introduced by the complainants and they are therefore bound by it. It is to be presumed the officer acted within his jurisdiction. This shows the senior Justice ten years after the date of the grant, made an official distribution of over 2,000 varas of land to different citizens for cultivation. Such an act is utterly inconsistent with the idea that at that time either the petitioners or the Mexican officials regarded the land as belonging exclusively to the petitioners. Much further comment might well be made on the official acts and utterances of record, by the officials of Mexico, within whose

jurisdiction these lands were located, tending to show that the idea of exclusive ownership had not then arisen. It is clear to my mind from the record that the government of Mexico, in making this grant, desired and intended to populate her public lands; that she intended to give in fee to each settler on the Las Vegas Grant all the land he could cultivate, which after actual cultivation for a period of years would become his to do with as he should choose; that tracts of land were by the constituted authorities to be from time to time distributed to other settlers as they might make application, and that each subsequent distributee held under the original grant and under his possession and allotment. It is not proven that the petitioners were men of large capital intending at their own expense to colonize families and settle and maintain them on the grant. They were evidently poor persons and of but moderate means, seeking homes for themselves and families as a means of subsistence, and desiring the settlement of other persons near them, as a means of building up the town of Las Vegas for a protection against the hostile Indians. Each new settler constituted one more arm of strength for protection, an additional aid for the upbuilding of the settlement and new town, and naturally was welcomed for the aid he gave to the common cause. In my opinion the thought of exclusive ownership of the whole grant by the petitioners was never entertained during the jurisdiction of the Mexican government, but to the contrary, the decree of the Provincial Deputation, the distribution under official authority of different tracts to separate individuals for ten years after the date of the grant, the acts and qualified possession of the settlers, all show the land unoccupied to be held for the benefit of all who might come, destitute of land, to make settlement.

It is evident that the Surveyor-General of New Mexico, the Senate Committee on Private Land Claims and the Congress of the United States, all have taken the same view of the subject. \* \* \*

Here follow frequent quotations from documents of Mexican sources proving that the title to the grant was meant to reside in the "Town of Las Vegas." Continuing, it is shown that Congress, acting on the recommendation of its committee in the Baca claim, granted to Baca the right to enter an equivalent quantity of land elsewhere in the Territory. This extinguished that claim. Congress recognized the right of the other claimant, the Town of Las Vegas, and enacted a law confirming the Las Vegas Grant. It is worth noting that this committee, appointed by Congress to give particular attention to title and to advise that body by its report, refers to the claim pending for confirmation, to use the words of the report, as "Second—The Town of Las Vegas," and reports to Congress: "This town claims under a grant made on the 25th of March, A. D. 1835, to Juan de Dios Maese and others."

Here is a distinct communication to Congress by its committee that the claim to be acted upon by that body is made by the "Town of Las Vegas," and it is the same grant under which the claimants in this case also claim. So Congress had brought directly to its attention the name of the claimant who was asking the confirmation of its claim. The report informed Congress also, that several hundred families were located on the grant. It also informed that body that the only obstacle to the confirmation of the claim of the town of Las Vegas was the prior title of the Baca

heirs. Congress met the emergency by extinguishing the title of the Baca heirs, and thus left the claim of the town of Las Vegas in full force. \*  
\* \*

The plain object of Congress in giving the Baca heirs a right to locate elsewhere was to clear up the title of the other claimant, "The Town of Las Vegas." That body heeded the voice of its committee to legislate in such a liberal spirit as not to "plunge an entire settlement of families" into litigation.

I have no doubt Congress acted upon a broad view of the question and intended to remove the claim of the Baca heirs for the benefit of all the settlers upon the Las Vegas Grant, and did not intend to limit that benefit to the few original petitioners. It was the "entire settlement," occupying the grant and not a part of it, for whose aid and benefit Congress extinguished the Baca claim. \* \* \*

It may be said that neither at the date of confirmation, nor at the commencement of this action, was there in existence any such legal entity, corporation or person, as the town of Las Vegas, capable of taking or holding title to real estate either in fee, or in trust for distribution to settlers destitute of land, who might make actual settlement on the grant.

The answer to such an inquiry is plain. There is nothing in the evidence or record in this case from which the court can find there was not such a person or corporation; besides it may fairly be inferred from the report of the surveyor-general, the report of the Congressional committee and the act of confirmation in the absence of any evidence to show the contrary, that it was in the legislative mind at the time of the passage of the act confirming the Las Vegas Grant, that a person with such power was in existence. From these reports and the act, in the absence of anything in the record or evidence showing otherwise, the court in this case may presume there was such a legal body, clothed with the necessary power to make effective the evident intent of Congress. What the result would be, or what legal rules should be applied in some other and different case, where the record or evidence established that there was no such body, person or corporation in existence at the date of the confirmation as the town of Las Vegas, capable of holding title in fee or in trust, it is neither proper nor necessary in this case to consider or to decide. \* \* \*

In my opinion it would be an unsound rule to presume, in the face of the act of Congress expressly referring to the Town of Las Vegas, and against the recitals and evidence in this record, the absence or non-existence of such a body. It seems to me clear that it was the intention of the Government of Mexico, as evidenced by the various acts to which reference has heretofore been made, that the lands within the boundaries of the Las Vegas Grant, not occupied or set apart to some actual settler, should be open to settlement and actual occupancy for agricultural purposes by any citizen destitute of land.

To my mind it is clear, deciding upon the facts in this case only, that Pablo Ulibarri and his associates did not take jointly either the legal or equitable right to the exclusive possession of all the land within the boundaries of the Las Vegas Grant. There is nothing in the evidence to establish that the Mexican government ever held or intended that Ulibarri and his associates should have the exclusive right to appropriate to themselves the whole of the said land to the exclusion of actual settlers, coming later

than Ulibarri, destitute of land, seeking to make actual settlement of small tracts for actual cultivation as homes for themselves and families; nor is there, in my opinion, under the evidence in this case, anything in the report of the Surveyor-General or the confirmatory act of Congress, to create in such Ulibarri and his associates any such exclusive right. These complainants have no greater right than their grantor held, and as he and his twenty-five associates could not have received before conveyance of title by him, the aid of a court of equity to prevent others from settling upon and occupying lands, neither can those do so, who, by mesne conveyances, succeed only to his rights.

It follows that the complainants are not entitled to the aid of a court of equity to prevent the defendant from making settlement, occupying the pastures, mowing the grass, and cultivating lands. The general conclusion reached by the Master, that there is no equity in the bill and that the same should be dismissed, is approved, and the bill accordingly dismissed.

ELISHA V. LONG, *Chief Justice*.

For the present status of this grant, see sketch of Judge E. V. Long.

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The subject of the titles of land located upon private grants, or alleged grants, in New Mexico, for many years had proved the cause of so great trouble to the courts of New Mexico on account of the apparently endless litigation arising from claims and counter-claims and the obvious opportunities for fraud on a gigantic scale that Congress, by act of March 3, 1891, created a special court known as the United States Court of Private Land Claims, for the purpose of judiciously determining and adjusting claims for lands within the limits of the territories derived by the United States from the Republic of Mexico, and embraced within the territories of New Mexico, Arizona and Utah, and the states of Colorado, Nevada and Wyoming, by virtue of Spanish or Mexican grants, as the United States was bound to recognize and confirm according to the stipulations of the treaty of Guadalupe-Hidalgo, and the treaty of 1853, known as the Gadsden Purchase. The state of California was not included in the jurisdiction of the new court for the reason that soon after the admission of California into the Union a tribunal was provided by act of Congress to settle the grant titles in that state alone. But New Mexico and the balance of the ceded territory was left with no means of relief for more than forty years after the treaty of peace between the United States and Mexico.

During this period many private acts were passed by Congress to confirm some of these grants. But this method was found to be very unsatisfactory, and in many cases most unjust acts were passed and some frauds were perpetrated upon the government either through lack of care in the preparation of cases by the government's attorneys or indifference as to what became of what were considered lands of little or no value. The worst feature of this plan of congressional action was that no claimant could secure legislative confirmation unless he had money to go to Washington, organize a lobby, and exercise sufficient influence to secure the passage of a bill favorable to his claims.

Until the new court began its work the claimants and possessors of lands under these ancient and usually very vaguely defined grants were

constantly harassed by the refusal of "squatters" to recognize their claims. Immigrants from the east believed that the lands of New Mexico belonged to the Federal government and were therefore subject to entry under the homestead and other general land laws. To complicate matters the local land offices encouraged these abuses—not through ignorance, but from disregard for grant rights and for the sake of obtaining fees. They allowed entries to be made upon grant lands the same as upon the public domain. Subsequently Congress, with the disregard of legally vested individual rights for which it has sometimes been notorious, in confirming these grants provided that all such squatter entries, although absolutely illegal when made, should be exempted from the confirmation and the grantees should be allowed to select a like area on some part of the public domain. This land might be in widely separated tracts. Or the ousted grantee or his heirs was offered the alternative of accepting from the United States pay for the land of which he had been deprived, at the valuation of one dollar and twenty-five cents per acre, though the lands, at the time of adjudication, not infrequently had a market value of from twenty-five to fifty dollars per acre. These outrageous legislative provisions were generally the fruit of the labors of members of Congress from eastern states, who knew nothing regarding these lands and apparently cared less.

Fortunately for New Mexico, which had been the chief sufferer on account of unstable land titles, the new court was invested with full powers, occupying the same place as United States circuit and district courts. It was made to consist of five judges—a chief justice and four associate justices—appointed by the president; an attorney to act for the United States; a clerk, an interpreter of the Spanish language and an ample corps of assistants. The chief justice, Joseph R. Reed of Iowa, had served many years on the bench, including the supreme court of his state, and had served a term in Congress. Associate Justice Thomas C. Fuller, of North Carolina, was one of the greatest lawyers in the South Atlantic seaboard states. Associate Justice William W. Murray, of Tennessee, had achieved distinction at the bar and for many years had served as United States district attorney. Associate Justice Henry C. Sluss, of Kansas, had occupied the bench in that state and was regarded as a most able lawyer. Associate Justice Wilber F. Stone, of Colorado, had served as one of the first judges of the supreme court of Colorado, and was chairman of the judiciary committee of the convention which framed the constitution of that state. Matt G. Reynolds, of St. Louis, Mo., the United States attorney for the court, was a lawyer of splendid ability. As special assistant he had won distinction in Washington, and he compiled a volume comprising the Spanish and Mexican laws relative to land grants. This tribunal, it will instantly be seen, was unique among the courts of America.

In many of the cases coming before this court the documentary evidence was of necessity supplemented by the oral testimony of witnesses, relating to occupation, abandonment on account of Indian hostilities, and heredity and family pedigree of claimants. Another unique feature of the court was that it was not perpetual. It was created for the accomplishment of a specific undertaking. Its life was originally limited to five years, but through necessity, was extended from time to time until thirteen years to a day were consumed in its work—from July 1, 1891, to June 30, 1904. Upon the organization of the court in Denver, James H. Reeder, of Kan-

sas, was appointed clerk. He was afterward succeeded by Ireneo L. Chaves, of Santa Fé county. In New Mexico the sessions of the court were held in Santa Fé.

The whole number of cases filed in the court for confirmation of title to grant lands was 301, these claims embracing an aggregate of 35,491,020 acres. The claims confirmed by decrees of the court, which were satisfied by the approval of the surveys made in execution of said decrees, amounted to 2,051,526 acres, leaving the amount rejected by the court 33,439,493 acres. Of the 282 cases from New Mexico which went through the court, 149 of the claims, or over one-half, were rejected entirely. In but twenty-one cases was title to the entire area claimed confirmed. The land of all grants finally rejected reverted to the public domain of the United States, subject to disposal under the public land laws of the government. Many of the large grants which were not wholly rejected by the court were reduced in area, either by the restrictions of the act of Congress creating the court and the eleven league limitation of the colonization laws of Mexico, or by the terms of the grant itself being found to call for less than claimed by the petitioners. A conspicuous instance of the latter class was the case of the Cañon de Chama grant, which had been sold to a British cattle syndicate as containing 472,000 acres. Upon trial it was found to be a grant to a narrow strip in a canyon, aggregating 1,422 acres. Another case was the Petaca grant, which was claimed to be about thirty miles long and twenty miles wide, its area including nearly one hundred square miles of pine forest. It had been purchased by a wealthy Chicago man, one of the Farwells, who established sawmills and lumber camps in the pineries and for ten years shipped lumber by rail from Tres Piedras, reserving the best portion of the forest for future development. The court found that the original grant comprised only a strip about five miles long and a few miles wide. Among the other noted grants rejected or reduced in area were these:

The Bartolome Baca grant: Area claimed, 500,000 acres; total claim rejected.

The San Miguel del Bado grant: Area claimed, 315,300 acres; all rejected except 5,024.30 acres, comprised in irrigated lands on the river bottoms originally allotted to the Mexican settlers.

The Gervacio Nolan grant, located west of the notorious Maxwell land grant: Area claimed, 575,968 acres; total rejected.

The Cañada de los Alamos grant: Area claimed, 148,862 acres; but 4,106 acres confirmed.

The Ignacio Chaves grant: Area claimed 243,056 acres; area confirmed, 47,258 acres.

The Cañada de Cochiti grant: Area claimed, 104,554 acres; area confirmed, 19,112 acres.

The notorious Peralta grant: Area claimed, 12,467,456 acres; covering the best portion of Arizona and thousands of acres in New Mexico; total rejected.

The Cañada de Santa Clara grant: Area claimed, 90,000 acres; area confirmed, 490 acres.

The Pueblo of San Antonio de Isleta grant: Area claimed, 65,628 acres; total rejected.



The Antonio Chaves grant: Area claimed, 130,138 acres; total rejected.

The Ojo del Espiritu Santa grant: Area claimed, 276,000 acres; total rejected.

The Juan Jid or John Heath grant: Area claimed, 108,000 acres; total rejected.

The Lucero Spring grant: Area claimed, 70,000 acres; total rejected.

The Cañon de Carnen grant: Area claimed, 90,000 acres; area confirmed, 2,000 acres.

The Montañño grant: Area claimed, 151,056 acres; total rejected.

The San Antonio de las Huertas grant: Area claimed, 130,000 acres; area confirmed, 4,763 acres.

The Jose Garcia grant: Area claimed, 76,000 acres; total rejected.

The Town of Socorro grant: Area claimed, 843,259; total rejected.

The Pueblo of Laguna grant: Area claimed, 101,510 acres; area confirmed, 17,328 acres.

The El Rito grant: Area claimed, 511,000 acres; total rejected.

The Vallecito de Lobato grant: Area claimed, 114,000; total rejected.

The Jose Sutton grant: Area claimed, 69,445; total rejected.

The San Pablo y Nacimiento grant: Area claimed, 131,000 acres; total rejected.

The Estancia grant: Area claimed, 415,036 acres; total rejected.

The Lamitas grant: Area claimed, 120,000 acres; total rejected.

The Pueblo of Santa Ana or El Ranchito grant: Area claimed, 87,360 acres; area confirmed, 4,945 acres.

The Peralta grant: Area claimed, 400,000; total rejected.

The Oreja del Llano de las Aguages grant: Area claimed, 150,000 acres; total rejected.

The Lo de Basquez grant: Area claimed, 76,000 acres; total rejected.

The Juan Bautista Valdez grant: Area claimed, 60,000 acres; area confirmed, 1,468.

The Santa Cruz grant: Area claimed, 60,000; total rejected.

The Pueblo de Quemado grant: Area claimed, 288,000 acres; total rejected.

The Manuel Alvarez grant: Area claimed, 69,440 acres; total rejected.

The Hurraza or Paraje del Rancho grant: Area claimed, 90,000; total rejected.

The Manuelitas grant: Area claimed, 200,000 acres; total rejected.

The Cristobal de Torres grant: Area claimed, 205,615 acres; total rejected.

The Santo Taribio de Jemez grant: Area claimed, 100,000 acres; total rejected.

The San Jose Spring grant: Area claimed, 182,130 acres; total rejected.

The Juan Tafoya grant: Area claimed, 86,000 acres; total rejected.

Beside these large alleged grants, there were a number of large areas, the claims of which were rejected in their entirety, three known simply as the Rancho grants, located unknown, and the Rancho de las Comanches, Rancho Rio Puerco, Rancho Los Comales, or Corrales, Rancho de la Gal-

lina, and Rancho El Rito, each claiming an area of 95,480 acres; and the Gallina, Rancho del Rio Arriba, Rancho Los Rincones, Rancho Abiquiu and El Coyote grants, each of 434,000 acres. A complete list of the grants passed upon by the Land Court, with the location, the area claimed and the area confirmed or approved, with the names of the claimants who appeared before the court, follows:

Claimants.	Name of grant.	Location.	Area claimed. Acres.	Area confirmed and approved. Acres.
Juan Chaves et al.	Town of Cubera.	Valencia County.	47,743.00	16,490.94
J. M. C. Chaves et al.	Plaza Colorado.	Rio Arriba County.	19,200.00	7,577.93
(Transferred to Arizona district)				
Francisco A. Montoya.	San Antonio del Rio Colorado.	Taos County.	18,955.00	.....
Julian Martinez et al.	Arroyo Hondo.	do.	23,000.00	30,629.25
Louise J. Purdy et al.	Sebastian de Vargas.	Santa Fé County.	42,000.00	15,434.33
Charles W. Lewis.	Bernabé M. Montañó.	Bernalillo County.	151,000.00	44,070.66
City of Albuquerque.	Villa de Albuquerque.	do.	13,391.00	.....
Francisco Martinez et al.	Lucero de Godoi or Antonio Martinez.	Taos County.	61,605.48	61,605.48
Tomas Torres et al.	Rancho del Rio Grande.	do.	109,043.00	91,813.15
Alejandro Sandoval et al.	Alameda.	Bernalillo County.	106,274.00	89,446.00
Katie McIrvine.	Jose Duran.	Santa Fé County.	425.85	.....
City of Socorro et al.	Town of Socorro.	Socorro County.	17,371.18	17,371.18
Salvador Romero et al.	Francisco Montes Vigil.	Rio Arriba County.	35,000.00	8,253.74
Louis Huming.	Antonio Sedillo or Cañada de los Apaches.	Bernalillo and Valencia counties.	153,879.00	86,349.09
Feliz Romero.	Gijosa.	Taos County.	30,000.00	16,240.64
Pueblo of Santa Clara.	Cañada de Santa Clara.	Rio Arriba County.	90,000.00	490.63
Matias Dominguez.	Pacheco.	Santa Fé County.	581.29	581.29
(See case No. 80)*				
J. Franco Chaves.	Nerio Antonio Montoya.	Valencia County.	3,546.00	.....
Juan de Dios Romero.	Cristobal de la Serna.	Taos County.	30,000.00	23,232.57
Lehman Spiegelberg et al.	San Marcos Pueblo.	Santa Fé County.	1,895.44	1,895.44
Clinton N. Cotton.	Santa Teresa de Jesus.	Bernalillo County.	3,633.00	.....
Numa Raymond.	Doña Ana Bend Colony.	Doña Ana County.	35,399.017	35,399.017
Julian Sandoval et al.	San Miguel del Vado.	San Miguel County.	315,300.00	5,034.30
Leandro Sandoval et al.	Rancho de Galban.	Bernalillo County.	30,000.00	.....
Manuel Crespin et al.	San Antonio.	do.	32,000.00	.....
Pedro Jose Gallegos.	Nuestra Señora del Rosario San Fernando.	Rio Arriba County.	30,000.00	14,786.58
(Transferred to Arizona district)				
Aniceto Martinez et al.	Casas de Riaño or Piedra Lumbre.	do.	49,747.89	49,747.89
Jesus Armijo y Jaramillo et al.	Luis Jaramillo or Agua Salada.	Bernalillo County.	18,000.00	10,693.98
J. M. C. Chaves et al.	Plaza Blanca.	Rio Arriba County.	16,000.00	8,955.11
City of Isleta.	Pueblo of San Antonio de Isleta.	Doña Ana County.	65,628.00	.....
Walter P. Miller.	Ignacio Chaves.	Bernalillo County.	243,056.00	47,258.71
Desiderio Gomez et al.	Jacona.	Santa Fé County.	46,241.00	6,952.844
Cassandra E. Baird et al.	Baird's Ranch.	Bernalillo County.	33,696.00	.....
Martin B. Hayes.	Antonio Chaves.	Socorro County.	180,138.00	.....
Carlos Lewis.	Cañada de los Alamos.	Bernalillo and Valencia counties.	148,862.00	4,106.66
Felipe Delgado et al.	Caja del Rio.	Santa Fé and Bernalillo counties.	66,848.783	66,848.783
(Transferred to Arizona district)				
George N. Fletcher et al.	Rito de los Frijoles.	Bernalillo County.	23,000.00	.....
(Transferred to Arizona district)				
Frank Perew et al.	Polvadera.	Rio Arriba County.	35,761.14	35,761.14
James Corrigan.	Las Animas.	State of Colorado.	4,096,346.00	.....
Town of Atrisco.	Town of Atrisco.	Bernalillo County.	82,728.73	82,728.73
Heirs of Wm. Pinkerton.	Gervacio Nolan.	Mora County.	575,968.00	.....
(Transferred to Arizona district)				
Benjamin Rodges et al.	Corpus Christi.	State of Colorado.	698,960.00	.....
Marcos Valdez et al.	Domingo Valdez.	Santa Fé County.	500.00	.....
Pueblo of Zia et al.	Ojo del Espiritu Santa.	Bernalillo County.	276,000.00	.....
Donaciano Gurule et al.	Elena Gallegos or Ranchos de Albuquerque.	do.	70,000.00	35,034.78
Reyes Gonzales et al.	Abiquiu.	Rio Arriba County.	16,708.16	16,708.16
Francisco A. Manzanares.	Cañada de los Alamos.	Santa Fé County.	13,706.00	12,068.39
Luciano Chaves et al.	Galisteo.	do.	22,000.00	260.79
Felipe Peralta et al.	Cevilleta.	Socorro County.	261,187.90	261,187.90
Roman Martinez et al.	Medina or Black Mesa.	Rio Arriba County.	25,000.00	19,171.35

\*Where reference is made to a case number, attention is called to the official record of the United States Court of Private Land Claims.

# LAND GRANTS

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Claimants.	Name of grant.	Location.	Area	
			claimed.	confirmed and approved.
			Acres.	Acres.
J. Chaves y Gallegos et al.....	Nicolas Duran de Chaves..	Valencia County ..	50,000.00	46,244.94
Eloisa L. Bergere et al.....	Bartolome Baca .....	do .....	500,000.00	.....
J. B. Cessna et al.....	Juan Jid or John Heath....	Doña Ana County.	108,000.00	.....
Levi P. Morton (see No. 25)...				
Roman A. Banca et al.....	Bartolomé Fernandez .....	Bernalillo and Valencia counties	25,424.28	25,424.28
Maria Cleofes Boné et al.....	Boné .....	Mora County .....	6,000.00	.....
Frank Huning .....	Diego de Padilla or El Tajo	Bernalillo and Valencia counties	24,800.00	.....
J. Franco Chaves.....	San Clemente .....	Valencia County ..	95,000.00	37,099.29
Juan Fernandez et al.....	Rio del Pueblo.....	Taos County .....	20,000.00	.....
Clinton N. Cotton.....	M. & S. Montoya or Bosque Grande .....	Bernalillo County ..	3,258.00	.....
Roman A. Baca.....	Felipe Tafoya .....	do.....	22,000.00	4,840.23
Maria L. Lucero et al.....	Antonio de Abeita or Baltazar Cisneros .....	Rio Arriba County.	8,000.00	721.42
Maria M. Baca et al.....	Lucero Spring .....	Valencia County ..	70,000.00	.....
Mariano S. Otero.....	Nuestra Señora de la Luz de Las Lagunitas.....	Bernalillo County.	43,653.00	39,184.446
— (Transferred to Arizona district)				
Rosario Corkins et al.....	Arroyo de los Chamisos....	Santa Fé County..	1,500.00	.....
Tomas C. Gutierrez et al.....	Pajarito Tract .....	Bernalillo County..	45,000.00	28,724.23
Pablo Crespin et al.....	Cañon de Carnue.....	do .....	90,000.00	2,000.59
Roman A. Baca .....	San Mateo Spring.....	do .....	4,340.276	4,340.276
J. W. Akers et al (see No. 38) ..				
Justo R. Armijo.....	Montaño .....	do .....	161,056.00	.....
Beatriz P. de Armijo.....	Los Cerrillos .....	Santa Fé County..	2,284.00	1,478.81
do .....	Sitio de los Cerrillos .....	do .....	572.4	572.4
City of Santa Fé.....	The City of Santa Fé.....	do .....	17,361.00	.....
Juan Nieto et al.....	El Pino .....	do .....	2,000.00	.....
Beatriz P. de Armijo.....	Sitio de Juana Lopez.....	do .....	1,366.00	1,085.53
Nasario Gonzales et al.....	Gotera .....	do .....	1,800.00	.....
Lehman Spiegelberg .....	Cieneguilla .....	Taos County .....	43,961.00	.....
Abraham Gold et al.....	Salvador Gonzales .....	Santa Fé County..	25,000.00	800.82
Thomas B. Catron.....	Juan de Gabaldon.....	do .....	11,619.00	10,690.05
Luis M. Ortiz et al.....	Sierra Mosca .....	do .....	33,250.00	.....
Jesus Maria Olguin.....	Ojo Caliente .....	Rio Arriba County	40,000.00	2,244.98
Benigno Ortiz et al.....	La Majada .....	Santa Fé and Bernalillo counties	54,404.10	54,404.10
Jose H. Gurule.....	San Antonio de las Huertas...	do .....	180,000.00	4,763.85
Thomas B. Catron.....	Juan Salas or Alamitos....	Santa Fé and Bernalillo counties..	2,500.00	397.55
Mariano S. Otero.....	Jose Garcia .....	Bernalillo County.	76,000.00	.....
Lorenzo Lobato .....	Salvador Lobato .....	Taos County .....	2,500.00	.....
Antonio Joseph (see No. 88)...				
Jose Albino Baca et al.....	Ojo del Borrego.....	Bernalillo County.	75,000.00	16,079.80
Nepomuceno Martinez et al.....	Santa Barbara .....	Taos County .....	30,638.28	30,638.28
Anastasio C. de Baca et al.....	Barranca .....	Rio Arriba County	25,000.00	.....
Nasario Gonzales .....	Cañada de San Francisco....	Santa Fé County..	1,590.00	.....
Antonio Serafin Paña et al.....	La Petaca .....	Rio Arriba County	186,977.00	1,392.10
Amado Chaves et al.....	Canyon de San Diego.....	Bernalillo County.	9,762.00	.....
May Hays .....	Ojo del Apache.....	San Miguel County	47,743.00	.....
J. A. Romero et al.....	Antonio Armijo .....	Santa Fé County..	900.00	.....
Jose M. Lobato .....	Juan Cayetano Lobato.....	do .....	1,000.00	.....
Juan de Archuleta.....	Archuleta and Gonzales....	do .....	1,000.00	.....
Albino Dominguez et al.....	Antonio Dominguez .....	do .....	800.00	.....
T. C. Gutierrez (see Case No. 51)				
The Rio Arriba Land and Cattle Company .....	Canyon de Chama.....	Rio Arriba County	472,787.00	1,422.68
Clarence P. Elder et al.....	Juan Carlos Santistevan....	Taos County .....	17,159.00	.....
Crescencio Valdez .....	Conejos .....	State of Colorado.	2,500,000.00	.....
James A. Peraltaeavis.....	Peralta .....	Arizona and New Mexico .....	12,467,456.00	.....
Guadalupe Montoya .....	Town of Real de Dolores....	Santa Fé County..	17,361.00	.....
M. de la P. V. de Conway.....	Cuyamungué .....	do .....	5,000.00	604.27
Ponciano Lucero et al.....	Chupaderos de la Lagunita.	San Miguel County	4,340.00	.....
Margarita Baca et al.....	San Jose del Encinal.....	Valencia County ..	30,000.00	.....
Manuel Archuleta et al.....	Arroyo Seco .....	Santa Fé County..	6,000.00	.....
Jacob Gold et al.....	Talaya Hill .....	do .....	1,003.00	819.20
Juan B. Lucero et al.....	Lucero .....	do .....	700.00	.....
Jacob Gold et al.....	Bernal Spring .....	San Miguel County	20,000.00	.....
Vicente Velarde et al.....	Catarino Maese .....	Santa Fé County..	800.00	.....
Jose Anto. Rodriguez et al.....	Juan Rodriguez .....	do .....	2,000.00	.....
J. A. Romero et al.....	De Vera .....	do .....	300.00	.....
Higinio Lujan et al.....	Peñasco Largo or Santiago Ramirez .....	do .....	6,165.00	272.168
Manuel Romero y Dominguez..	Rio Tesuque or Juan Benabides .....	do .....	7,300.00	.....
Juan A. Romero et al.....	Juan Jose Archuleta.....	do .....	500.00	.....
Esquipula Flores et al.....	Juan Antonio Flores.....	do .....	1,500.00	.....

Claimants.	Name of grant.	Location.	Area claimed. Acres.	Area confirmed and approved Acres.
David Trujillo et al (see case No. 61)				
Eutimio Montoya	Town of Socorro	Socorro County	843,259.00	
Thomas J. Allen et al. (see case No. 44).				
(Transferred to Arizona district)				
Florencio Sandoval et al.	Ojo de San Jose or San Jose y Santo Toribio de Jemez	Bernalillo County.	80,000.00	4,336.91
Maria A. Gallegos et al. (Transferred to Arizona district)	Guadalupita	Colfax and Mora counties	47,743.00	
Pueblo of Laguna	Pueblo of Laguna	Valencia County	101,510.00	17,328.91
Pueblo of Santo Domingo et al.	Santo Domingo and San Felipe	Bernalillo County.	40,000.00	1,070.688
George W. Thompson et al. (see case No. 44).				
Anastacia P. de Castillo	El Rito	Bernalillo and Valencia counties	511,000.00	
Rafaela C. Barcia et al.	Santo Tomas de Yturbe	Doña Ana County	10,000.00	9,622.34
Corporation of Jose Manuel Sanches Baca	Jose Manuel Sanches Baca	do	3,601.00	3,580.60
Josiah F. Crosby	Miranda	do	4,751.00	
J. I. Martinez et al.	Juan Jose Lobato	Rio Arriba County	205,615.73	205,615.73
do	Vallecito de San Antonio	do	38,000.00	
Merejildo Martinez et al.	Vallecito de Lobato	do	114,000.00	
Lewis Lutz et al.	Jose Sutton	San Miguel County	69,445.00	
Ramon Garcia et al.	San Pablo y Nacimiento	Bernalillo County.	131,000.00	
Pedro Perea	Arquito	do	2,000.00	
do	Luis Garcia	do	11,674.00	
Mariano S. Otero	Nuestra Señora de los Dolores mine	Santa Fé County..	42.00	
Benito Borrego et al. (see case No. 132).				
Juan Santistevan et al.	Fernando de Taos	Taos County	1,899.00	1,817.24
The grant of the Colony of Refugio et al.	The grant of the Colony of Refugio	Doña Ana County	26,000.00	11,524.30
The Corporation of Mesilla	The Mesilla Colony	do	21,628.52	21,628.52
Joel Parker Whitney et al.	Estancia	Valencia County..	415,056.00	
L. Z. & M. Z. Farwell (see case No. 99).				
Las Animas Land Grant Company (see case No. 44).				
Pinito Pino et al.	Hacienda del Alamo	Santa Fé County..	50,000.00	
Florencio Sandoval et al.	Las Lamitas	Bernalillo County.	120,000.00	
Pueblo of Santa Ana et al.	Pueblo of Santa Ana or El Ranchito	do	87,860.00	4,945.34
Felicita Crespín	San Acacio	Socorro County	18,000.00	
Antonio Baca et al.	Mesita Blanca	Santa Fé County..	18,000.00	
Roman Baca et al.	Ancon Colorado	Bernalillo County.	800.00	
Juan M. Armijo et al.	La Peralta	do	400,000.00	
(Transferred to Arizona district)				
Julian Martinez et al.	Cañada de las Mestefias	Taos County	16,000.00	
Nicolas Pino	Ojito de Galisteo	Santa Fé County..	25,000.00	
Eduardo Otero et al.	Guadalupe Mine	Valencia County	16,000.00	
Clarence P. Elder	Cañon del Rio Colorado	Taos County	43,939.00	
Mariano S. Otero	Ojo e la Cabra	Bernalillo County	4,840.00	
M. R. Pendell et al.	Santa Teresa	Doña Ana County	9,861.00	8,478.51
Smith H. Simpson et al.	Oreja del Llano de los Aguages	Taos County	150,000.00	
Alex. Grezslachowski et al.	Sanguijuela	San Miguel County	20,000.00	
Abran de Herrera et al.	Pueblo Quemado	Santa Fé County..	900.00	
Pueblo de Cochiti	Juana Baca	Bernalillo County	20,000.00	
Antonio Griego et al.	El Embudo	Rio Arriba County	25,000.00	
Juan N. Martinez	Jose Ignacio Martinez	Taos County	500.00	
Juan Anto. Valdez	Felipe Medina	do	800.00	
Manuel Espinosa	Manuel Fernandez	do	800.00	
Jose Luis Valdez	Rio del Oso	Rio Arriba County	5,000.00	
Felipe Delgado et al.	Lo de Basquez	Santa Fé County..	76,000.00	
Jose L. Valdez et al.	Juan Bautista Valdez	Rio Arriba County	60,000.00	1,468.87
Magdalena L. De Ortiz et al.	Roque Lobato	Santa Fé County..	1,680.00	
Tomas C. de Baca et al.	Santa Cruz	Bernalillo County	60,000.00	
Jose Albino Baca (see case No. 180).				
Hate Sullivan (see case No. 91).				
Pueblo de Santo Domingo (see case No. 184).				
Pueblo of San Felipe (see case No. 184).				

# LAND GRANTS

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Claimants.	Name of grant.	Location.	Area	
			claimed.	confirmed and approved.
			Acres.	Acres.
William Frazer .....	Miguel Chavez .....	Taos County .....	15,000.00	.....
Refugio Aguilar .....	Felipe Tafoya .....	Santa Fé County..	500.00	.....
Francisco Lujan et al. ....	Manuel Tenorio .....	do .....	600.00	.....
Juan de Dios Tapia et al. ....	Tomas Tapia .....	do .....	500.00	.....
Jose A. Rivera .....	Diego Arias de Quiros. ....	do .....	2,000.00	.....
Refugio Aguilar et al. ....	Alfonzo Rael de Aguilar. ....	do .....	500.00	.....
Luis Riberia et al. ....	Felipe Pacheco .....	do .....	500.00	.....
Jesus Ochoe et al. (see case No. 150).				
Frank Becker et al. ....	Santa Cruz .....	do .....	48,000.00	4,567.60
Amado C. de Baca et al. (see case No. 95).				
Ambrocio Pino et al. (see case No. 136).				
Antonio J. Ortiz et al. ....	El Badito .....	do .....	1,350.00	.....
Juan Marquez et al. (see case No. 25).				
Jose M. Nieto et al. ....	Santa Fé Cañon. ....	do .....	6,000.00	.....
Luis Chaves et al. ....	The Alamo .....	do .....	2,000.00	.....
(Transferred to Arizona district)				
William T. Russell (see case No. 86).				
R. H. Longwill et al. (see case No. 144).				
S. Endicott Peabody (see case No. 142).				
Joel P. Whitney et al. ....	Cañada de Cochiti. ....	Bernalillo County .	104,554.00	19,112.78
Eloisa Bergere et al. (see case No. 165).				
Mariano S. Otero et al. (see case No. 38).				
Manuel Gurule et al. ....	Town of Bernalillo. ....	do .....	47,743.00	.....
John Gwyn, Jr. (see case No. 69).				
Ambrocio Pino (see case No. 136).				
Jose A. Vigil et al. ....	Santo Domingo de Cundiyo. ....	Santa Fé County..	2,137.08	2,137.08
Jose de G. Trujillo et al. ....	Pueblo de Quemado. ....	Rio Arriba County	288,000.00	.....
Smith H. Simpson (see case No. 144).				
Lucas Feliciano Montoya et al. ....	Cieneguilla .....	Santa Fé County..	45,245.00	3,202.79
John B. Salpointe. ....	Bishop's Ranch .....	do .....	600.00	.....
Louise J. Purdy et al. (see case No. 44).				
Jose M. Chaves et al. ....	Town of Bernalillo. ....	Bernalillo County .	11,674.37	3,404.67
Maria M. de Berry et al. (see case No. 107).				
Marcos A. Chaves et al. ....	Rancho de los Comanches. ....	Not given .....	95,380.00	.....
Clotilda de Spencer et al. ....	Rancho Rio Puerco. ....	Bernalillo County .	95,480.00	.....
Luciano Chaves et al. ....	Rancho Los Comales or Corrales .....	Not given .....	95,380.00	.....
Clotilda Spencer et al. ....	Rancho de la Gallina. ....	do .....	95,480.00	.....
N. M. de Aragon. ....	Rancho .....	do .....	95,480.00	.....
Tomas T. de Quintana. ....	Rancho El Rito. ....	do .....	95,480.00	.....
Isabel J. de Romero et al. ....	Rancho .....	do .....	95,480.00	.....
Agapito Ortega et al. ....	do .....	do .....	95,480.00	.....
Juan A. Quintana. ....	Jose Ignacio Alari. ....	Rio Arriba County	1,000.00	.....
Jose P. Jaramillo et al. ....	Roque Jacinto Jaramillo. ....	do .....	10,000.00	.....
Jesus M. Castillo et al. ....	Angostura .....	Bernalillo County .	2,300.00	1,579.48
Matias Contreras .....	Francisco Garcia .....	Socorro County ..	4,000.00	.....
Eugenio Alvarez et al. ....	Manuel Alvarez .....	Mora and Colfax counties .....	69,440.00	.....
Jesus Crespin et al. ....	Cristoval Crespin .....	Rio Arriba and Santa Fé counties .....	8,000.00	.....
Jose A. Garcia (see case No. 99).				
Vicente Romero et al. ....	Alfonzo Rael de Aguilar. ....	Santa Fé County..	17,361.00	.....
Bernardo Salazar .....	Antonio de Salazar. ....	Rio Arriba County	23,351.00	.....
Jose S. v Ortiz et al. (see case No. 142).				
Atanacio Romero et al. ....	Juan de Mestas. ....	Santa Fé County..	3,000.00	.....
Albino Lopez .....	La Nasa .....	Rio Arriba County	2,000.00	.....
Agapito Sena .....	Tacubaya .....	Santa Fé County..	3,000.00	.....
Manuel Hurtado et al. (see case No. 205).				
Antonio J. Gomez et al. ....	Hurraza or Paraje del Rancho .....	Taos County .....	90,000.00	.....
Apolonio Vigil .....	Las Manuelitas .....	San Miguel and Mora counties..	200,000.00	.....

Claimants.	Name of grant.	Location.	Area claimed. Acres.	Area confirmed and approved. Acres.
Zenon Sandoval et al. (see case No. 214).				
N. M. de Aragon et al.	La Gallina	Not given	434,000.00	
do	Rancho del Rio Arriba	do	434,000.00	
do	Rancho Los Rincones	do	434,000.00	
do	Rancho Abiquiu	do	434,000.00	
do	El Coyote	do	434,000.00	
Juan Garcia	Manuel Garcia de las Ribas	Rio Arriba County	7,577.00	
Juan Torres et al.	Cristobal de Torres	do	205,615.00	
Antonio Vigil	Diego de Belasco	do	5,000.00	
Feliciano Montoya (see case No. 144).				
Juan Ramon Duran	Juan de Ulibarri	do	500.00	
Andres Garcia et al.	Juan E. Garcia de Noriega	Santa Fé County	5,000.00	
Jose Torres et al.	Jose Antonio Torres	Rio Arriba County	5,000.00	
Refugio Valverde et al.	Santo Toribio de Jemez	Bernalillo County	100,000.00	
Bartolome Trujillo et al.	San Jose de Garcia	Rio Arriba County	2,000.00	
Pedro Perea (see case No. 217).				
Pedro Perea	San Jose Spring	Bernalillo County	182,130.00	
Crescencio Moreno et al.	Juan Jose Moreno	do	35,900.00	
Antonio de Uribarri	Pueblo Colorado	Taos and Rio Arriba counties	1,000.00	
Francisco A. Romero	Francisco Xavier Romero	Rio Arriba County	800.00	
Francisco Serna et al. (see case No. 287).				
Bartolome Sanchez et al.	Bartolome Sanchez	do	10,000.00	4,469.828
Juan A. Martin et al. (see case No. 97).				
Francisco Tafoya	Juan Tafoya grant	do	86,000.00	
Valentin C. de Baca et al.	Santa Rosa de Cubero	Bernalillo County	5,000.00	1,945.496
Manuel Archuleta et al.	Mesilla tract	Santa Fé County	6,000.00	
Antonio Jose Gallegos et al. (see case No. 90).				
Mariano S. Otero et al.	Virtientes de Navajo	Bernalillo County	11,480.00	
(Transferred to Arizona district)				
Guadalupe Montoya et al.	Bosque Grande or M. & S. Montoya	do	4,340.00	2,967.574
Pueblo de Isleta	Lo de Padilla	Valencia County	51,940.82	51,940.82
J. Franco Chaves	Antonio Gutierrez	Valencia County	22,636.92	22,636.92
do	Joaquin Sedillo	do		
Peregrina Campbell et al.	Maragua	Santa Fé County	1,042.00	
(Transferred to Arizona district)				
Mariano F. Sena	Jose de Leyba	do	18,000.00	
J. Maria Mestas	Joaquin de Mestas	Bernalillo County	3,632.00	
Blaza Alvarez se Sanchez	Sanchez land grant	Dofia Ana County	4,428.00	
Romulo E. Varela et al.	Barela land grant	do	4,428.00	
Manuel M. Martin et al.	Galban or Ignacio Sanchez Vergara	Bernalillo County	80,000.00	
Total			34,653,840.616	1,934,996.39

Beside the above claims in three cases money judgments were allowed against the United States for lands patented by the United States within grants confirmed by the Land Court. They were as follows:

Claimants.	Name of grant.	Acreage.	Amount.
Louise J. Purdy et al.	Sebastian de Vargas	701.01	\$ 786.26
Jose Chaves y Gallegos et al.	Nicolas Duran de Chaves	410.90	513.62
Jose Isabel Martinez et al.	Juan Jose Lobato	1,856.73	2,320.91

It had been generally believed for many years that the Mexican land grants were wholly illegal and fraudulent, and that many of those which under ordinary circumstances might obtain some sort of status in the courts were forged. But even forged grants were found upon investigation to be very rare. The most notorious exception was the Peralta Reavis grant, a detailed account of which will be found in this chapter. Many of these grants were issued by officials who had not been invested with proper legal authority to confer them, although they undoubtedly were made in good faith, the officials responsible for them believing, in their ignorance, that the authority lay in them. This ignorance arose chiefly from the

frequent changes in the Constitution of Mexico and the acts of the Mexican Congress, in the cases of the later grants, and the great distance of the seat of local government from the Mexican capital. Under these circumstances a local governor, acting under an old law, sometimes would continue to exercise his executive functions for a year or more before becoming cognizant of any change in the laws. This condition was especially embarrassing before the days of the Republic, when the royal decrees, made in Spain, could not be made known to the viceroys of New Spain until the lapse of several months; and sometimes several months more passed before the far provincial governors could be notified of the intent of these decrees.

It is therefore not strange that many grants made in the eighteenth century have not been disputed for a century or more in some instances. Some of these grants were held by the court to be good, in strict equity, but the land court was compelled to reject them under the limitations of the statute creating the court, which demanded proof of absolute legal authority in the granting powers and a rigid compliance with the law in the form and manner of its execution. The court found that many of the grants, like the notorious Beaubien and Miranda or Maxwell grant, which had been passed upon by the Supreme Court of the United States before the erection of the land court, had had most elastic boundaries, and that in many instances their areas had been expanded to a wonderful extent through the manipulations of American and British purchasers. Where the boundaries had been described by metes and bounds, passing from one natural landmark to another, other landmarks were frequently substituted and the claim raised that these were the original marks. A glaring instance of this expansion of the boundaries in the cases coming before the land court was the Cochiti grant in what is now Sandoval county, where one of the boundary lines was extended, in the application for confirmation, from one pueblo to another miles away, and from the east side of the Jemez mountains to the west side.

"An amusing instance of the uncertainty of Mexican land boundary description," wrote Judge Stone of the land court, "occurred in the case of the little grant of the narrow valley of the Santa Fé creek in the mountains above the city. The length was given as extending from, say—the old sheep corral of Jesus Maria Gonzales up the creek to Monument rock. The width extended from the bed of the stream to the 'faldas' of the mountains on either side. Now, a 'falda' in Spanish means primarily a skirt, as the skirt of a woman's dress. \* \* \* Mr. Catron, attorney for the claimant, insisted that the faldas should be held to be up about timber line, so as to include all the valuable timber. Mr. Pope, the assistant United States attorney, contended that such elevation of the faldas was a highly improper interpretation, \* \* \* but that, on the contrary, the term should be construed to bring the skirts down to the trails of the foothills. \* \* \*" The court compromised the claim by including the irrigable lands within the grant.

The invaluable services of this court may be seen when it is stated that not only were all land grant titles in New Mexico settled forever, but that more than thirty thousand acres of land, some heavily timbered, some containing deposits of coal and precious metals, reverted to the government of the United States.

## PERALTA-REAVIS GRANT CASE

Two of the most noteworthy cases on record in the annals of the operation of the American courts arose out of transactions affecting a considerable proportion of the area of the territory of New Mexico. The Peralta Grant case—or the Peralta-Reavis case, as it is more commonly known—involves a history which, in all its interesting details, would fill a volume. The fraud attempted against the United States government by the claimant to this utterly mythical grant was the most stupendous in the history of the world, and its author, James Addison Reavis, is undoubtedly entitled to rank as the prince of all impostors.

Reavis was born in Henry county, Missouri, where he resided until fourteen years of age. The four succeeding years he spent in Vernon county, in the same state. At the age of eighteen he enlisted in the Confederate army, serving throughout most of the Civil war. Subsequently he visited Brazil, where he remained about a year. Returning to Missouri he became a street car conductor, then a clerk in a retail clothing store, then a street car conductor again, next a traveling salesman for a saddlery house and a dry goods and clothing house. He finally drifted into the real estate business in St. Louis, investing all his savings in city and suburban property. One day in 1871 a man entered his office, according to Reavis's story, and introduced himself as George M. Willing, Jr., representing that he claimed the title to an immense tract of land in Arizona, and suggesting that Reavis enter with him into a deal for its exploitation and sale. Willing afterward brought to Reavis a paper which he explained was an instrument giving him title to the lands in question. He also introduced Reavis to W. W. Gitt, a man who had been identified with a number of questionable transactions arising from claims based upon ancient Spanish grants, or alleged grants, in St. Louis.

Reavis appears to have been greatly impressed with the tremendous possibilities in the case, for he soon agreed to assist Willing in his researches and the attempt to perfect his title. The instrument originally presented to him purported to be a grant by the King of Spain to Don Miguel de Peralta de la Cordoba, made in the year 1748, and conferring title to a tract of three hundred Spanish square leagues, or a trifle more than 1,300,000 acres. The second document purported to be a deed made in 1864, by which Miguel Peralta of San Diego county, California, transferred his title in the property to Willing.

It was probably at this relatively early stage of the proceedings that the fertile brain of Reavis was beginning to outline the magnificent scheme by which he proposed, if possible, to obtain possession of the alleged grant. The possibilities evidently waxed greater as he became better informed regarding the status of many of these ancient grants, especially those located within the borders of New Mexico and Arizona. He finally noti-



fied Willing of his willingness to go to Arizona to investigate the matter and take the proper steps to secure the recognition of the grant by the United States government. In 1875 or 1876 they started. Willing proceeded at once to Prescott, Arizona, where his death occurred suddenly the night after his arrival, under circumstances that gave rise to the suspicion that poison had been administered to him. Reavis proceeded first to San Francisco, hoping to obtain possession of a deed in blank, executed by Willing several years before when the latter feared he might get into some kind of trouble. He did not arrive in Prescott until some time after Willing's death, and when he did reach that town he represented himself to be a special correspondent for the San Francisco *Examiner*. From a man who had charge of the baggage and other property left by Willing he obtained possession of a sack containing, among other articles, the grant and deed referred to. He testified at his trial that it was his intention to return these articles to Willing's widow. It should be explained that in the deed made out by Willing in blank, Reavis stated that one Florin A. Masol, or some member of his household, had filled in the name of Reavis as the grantee. This he filed in the office of the United States Surveyor-General for Arizona.

In the meantime, acting, as he testified, under direction of his counsel, Harvey S. Brown of San Francisco, and armed with power of attorney from Willing's widow, in 1883 Reavis filed with surveyor-general for Arizona, a petition asking for the approval of the Peralta grant under the Act of Congress of July 22, 1854, supporting his claim by the presentation of the instrument purporting to be the original grant and mesne conveyances showing him to be the owner by purchase from Willing. He had also procured, in the meantime, through the assistance of the authorities of the Roman Catholic church in Arizona, photographs of the ancient records in the mission of San Francisco Xavier, near Tucson. But in spite of what appeared to be an unbroken chain of evidence of the authenticity of his claim, Surveyor-General Royal A. Johnson made an unfavorable report upon the claim, in the face of strong opposition from high officials. In his report, made in 1889, Mr. Johnson condemned both the alleged grant and conveyances as forgeries. Six years had elapsed between the filing of the petition and the unfavorable report. During these years popular sentiment throughout Arizona seemed to incline toward the belief that the claim was a just one and would be confirmed by the government; and this fact induced many land-holders, individual and corporate interests, to seek Reavis for the sake of securing from him a release that would give them good title to the properties they held. Thousands of persons and they realized that if the title of Reavis was valid their title from the had initial titles under the homestead, pre-emption and mining laws, government was invalid. It was evident that if his pretensions could be sustained, the land had belonged to his predecessors from the middle of the 18th century. In large numbers these persons hastened to secure from Reavis quit-claim deeds, from which he reaped a fortune.

Beholding great possibilities in this method of securing wealth without labor, Reavis organized three corporations, each named the Casa Granda Land and Improvement Company, and organized respectively under the laws of New Jersey, Wyoming and Arizona. From these three corporations he realized the sum of \$65,000. The Southern Pacific Com-

pany paid him \$50,000 for its right-of-way through his mythical grant. The Silver King Mining Company paid him \$25,000 for a release of his claim on its mining property. From various other sources he received sums ranging from a few hundred dollars each to items of \$15,000. The total amount of money he extorted from innocent purchasers in this way probably never will be known, but it was a vast fortune. Some place the total amount at between one and two millions of dollars, but a more conservative estimate, made by men who participated in the trials of the civil and criminal proceedings arising from his operations, places the amount at about \$350,000.

The craftiness of this archswindler is illustrated by the manner in which he enlisted the moral and financial support of men of national repute. He went to New York, lived at the best hotels in princely style for years, and lavished money like Alphonse Daudet's "Nabob." Among those whom he succeeded in bunkoing into the belief that his gigantic claim was just, or who were willing to avail themselves of his shrewdness in his attempt to convince the government of its justice, were Colonel Robert G. Ingersoll; Henry M. Porter, of the American Bank Note Company; Edwin S. Stokes, who became notorious through the killing of James Fisk as the result of a quarrel over Josie Mansfield; John W. Mackay, the San Francisco millionaire; Charles Crocker, one of the principal stockholders in the Southern Pacific railway; Andrew Squires, of Cleveland, Ohio, W. E. D. Stokes, of New York, cousin of E. S. Stokes; Philip B. Thompson, Jr., Charles Reed, James A. Mahoney, L. J. Rose, John A. Benson, Hector de Castro, and other well-known men. Though not proven in the trial, it is generally believed that Roscoe Conkling, United States Senator from New York, was also imposed upon in the same manner.

In 1881 and in 1883 Reavis visited Guadalajara, Mexico. Late in 1885 he visited Spain and spent a year there completing his claim to the grant, the expenses of his trip amounting to \$500 per month, being paid by John W. Mackay of San Francisco. While in Madrid he went before the Charge d' Affaires of the American Legation, and made a formal declaration of the fact that a woman, who up to that time had accompanied him as his ward, was in fact his wife, by virtue of a contract of marriage entered into with her in 1882. Upon his return to the United States he modified his form of procedure before Surveyor-General Johnson, whom he had failed to induce to make a favorable report on his claim, and amended his petition, claiming the grant not by purchase, but on the ground that his wife was the great-granddaughter of the original grantee, and the sole surviving heir to the property. According to his story, he had met his wife in 1877 or 1878 on a train near Sacramento. "She came down from Woodland," he testified, "and I was attracted to her appearance, her resemblance of Spanish type, and spoke to her on the train and entered into a conversation and exchanged cards before we left the train." He stated that he entered into a marriage contract with her December 31, 1882, and that this, with the formal declaration before the official of the American Legation in Spain, formed the sole marriage service uniting the two. During his conversations with her before marriage he learned, he said, that she was the heir to the vast property whose title he had been investigating for years.

Here was a state of affairs which proved of the utmost importance

in the consideration of the case. According to his own sworn statement, knowing her to be the heir, he married her in 1882, subsequently filed his claim before Surveyor-General Johnson, therein claiming the grant by purchase, without mentioning her existence, and concealing the fact that she was his wife for nearly four years. But in 1884 he secured a license to marry a young woman in southern California, about two years subsequent to the time he alleged he had executed a contract of marriage with the heir to the Barony of Arizonaca. When asked, on the witness stand, for an explanation of this episode, he said that it "was a bluff." There is no doubt that in 1884 he was still unmarried, and that he did not decide to marry the woman who had accompanied him to Spain as his ward until he had abandoned all hope of obtaining from the surveyor-general of Arizona a favorable report upon his claim. It is evident that he feared the surveyor-general would brand as forgeries the deeds through which he hoped to obtain possession, and that his only remaining hope was to find an heir to the estate.

Most adventurers would have abandoned the contest upon the filing of the unfavorable report upon the petition, but Reavis was made of sterner material. At no time after receiving his first setback did he relax his efforts; but on the contrary set to work at once upon his fresh scheme.

About 1890, under the name of James Addison Peralta Reavis, he filed in the United States Court of Claims at Washington, a suit against the United States, asking for \$10,000,000 damages on account of the injury he had suffered through the illegal disposition, on the part of the government, of lands within his grant. Soon afterward—on March 3, 1891—Congress established the Court of Private Land Claims, giving it sole authority for the final settlement of all Spanish and Mexican grants in that portion of the United States which was once a part of Mexico. In the meantime, after filing his claim, Reavis continued with renewed vigor his efforts to forge—literally—an unbroken chain of evidence in proof of the justice of his demands. Visiting the city of Guadalajara, Mexico, in 1892, he began the manufacture of evidence in his behalf which soon enabled him to come before the court with evidences of the validity of the grant which for a time misled some of the best lawyers of America into believing that he would have no trouble in substantiating his title to the property. In February, 1893, he filed in the newly organized Court of Private Land Claims a petition asking that the grant be confirmed to him and his wife—not the grant that he had originally manufactured, but an almost entirely new product of his tremendous, tireless ingenuity. The claim, summarized, was substantially this: First, that Reavis' wife, Doña Sofia Loreto Micaela de Peralta Reavis, neé Maso, y Silva de Peralta de la Cordoba, was the great-granddaughter of Don Miguel Nemecio Silva de Peralta de la Cordoba y Garcia de Carrillo de la Falces, a Spanish gentleman of noble birth and distinction, holding under the royal authority of Spain the titles of Grandee of Spain, Sir Knight of the Redlands, Baron of Arizona, Gentleman of the King's Chamber with privileged entrance, Captain of Dragoons, Aid-de-Camp and Ensign of the Royal House, Sir Knight of the Military Orders of the Golden Fleece of St. Mary of Montesa, and of the Royal and distinguished orders of Carlos III, and of the Insignia and Fellowship of the Royal College of Our Lady of Guadalupe—and many other titles.

Further, his petition claimed that Don Miguel, being in the confidence of the King of Spain, Philip V., in the year 1742, was made a royal inspector and business agent of the city of Cadiz, Spain, and sent by the king as such to the interior provinces of the vice-royalty of New Spain (Mexico), with secret instructions and authority for the investigation of certain grievances affecting the royal revenues; and that so successfully did he execute this important mission that the king, by decree or otherwise, "declared his purpose to have selected and located to him," the Barony of Arizona, or some other land or property. It was further claimed that not only did King Philip V., in 1744, confer this grant upon the "Baron of Arizona," or "Arizonaca," but that Ferdinand VI., in 1748, affirmed the same grant; that in 1758 actual possession was delivered to Don Miguel; and that in 1778 all these proceedings were confirmed by King Carlos III. The claim also stated that the grant was to contain three hundred square Spanish leagues, or 19,200,000,000 *varas* of land situated in the northern part of the vice-royalty of Spain, and to be of such form as not to interfere with previous concessions; that it was to include all of the lands, waters and currents, and all of the minerals, and everything appertaining to the lands; that the originals of the confirmatory decrees have always been in the proper archives of Spain and Mexico; that the action of the Inquisition of Mexico on October 10, 1757, specifically designated the proposed location of the grant; that on January 3, 1758, the viceroy of Mexico ordered possession to be given to the newly-created baron; that an act of juridical possession of May 13, 1758, recited that said act corresponded with the map etched upon a monumental rock in the centre of the west boundary line of the grant, lying at the eastern base of Maricopa mountain, and of the nobility, primogeniture, state and emoluments of said baron, and of the legitimacy, nobility and primogeniture of his son, Jesus Miguel Silva de Peralta de la Cordoba y Sanchez de Bonilla—the second Baron of Arizona—by his wife, Doña Sofia Ave Maria Sanchez de Bonilla y Amaya; that by a codicil to his will, dated January 13, 1788, the first Baron devised to his son, Jesus Miguel, all the property known as the Barony of Arizona; that on February 1, 1824, the first Baron died in Guadalajara, leaving his wife and son, Jesus Miguel, the latter being his only heir, and that his will and codicil were admitted to probate in the city of Guadalajara, after which the executors administered the estate, including the Barony of Arizona.

Coming down to the second Baron of Arizona, Don Jesus, the claim was made that on May 1, 1822, in the city of Guadalajara, he was married to Doña Juana Laura Ybarra y Escobeda, and that this couple was survived by one child, a daughter, Doña Sofia Laura Micaela Silva de Peralta de la Cordoba de Sanchez e Ybarra de Escobeda, who was born in 1832 at Cumpas Sonora: that she married Don Jose Ramon Carmen Maso y Castello of Cadiz, Spain, in 1860, and that on March 4, 1862, there were born to them twins, male and female, the first born of whom became the wife of Reavis. The birth of this great-granddaughter of the first baron is alleged to have occurred at the Bandini ranch at Agua Mansa, near San Bernardino, California, while Don Jose, commonly known as Jose Maso, and his wife and mother and father-in-law, and an American friend named John A. Treadway, were on their way to San Francisco. It was alleged that these infants were baptized at the old

church of San Salvador, the god-parents being the maternal grandfather and paternal grandmother, and Louis Roubidoux and his wife, Flavia Castillo, and that the mother and the male twin died a few days later. The records of this church contain what purport to be entries of the baptism and burial. The remainder of the party continued on to San Francisco, remaining in that city several months, and forming the acquaintance of a number of persons who afterward testified to facts showing their sojourn in that city. In July, 1862, Doña Carmelita Maso, Jose Maso's mother, and a nurse named Tomasa, accompanied Treadway to the Sherwood valley in Mendocino county, California. Maso soon afterward visited Spain for the purpose of obtaining from the Spanish government a sum of money alleged to be due him and his father-in-law. He was followed a few months later by his father-in-law; but before the latter departed it was claimed that he made a will in San Francisco, to which he added a codicil after his arrival in Spain, leaving all his property to his infant granddaughter. Both men died in Spain a few years later.

About two years after the arrival of the Maso party in California, Treadway, who had been acting as guardian for the alleged infant heiress, went to Sacramento, where he is believed to have died. About 1867 the girl's grandmother died also. A year later the nurse, Tomasa, died, leaving the child in the custody of Alfred E. Sherwood, in whose house she had been since 1862. In 1869 Sherwood, being unable to provide for her education, gave her to John W. Snowball of Knight's Landing, who reared and educated her. From 1876 to the year of her alleged marriage by contract with Reavis, she resided with various persons, being a member of the household of John D. Stevens of Woodland in 1882, the year which marks her association with Reavis, according to his story.

These facts, or allegations, are an epitome of the statement which formed a part of the monstrous claim which Reavis and his wife placed before the Land Court at Santa Fé. Reavis presented a mass of evidence in proof of these facts which appeared to be conclusive. Nothing appeared to be lacking. There were certified copies of the contents of four books of record alleged to have been found in the Mexican and Spanish archives at Guadalajara, all properly attested, covering the allegations referred to as incidents of fact transpiring between 1742 and 1778. The genealogy of the mythical first Baron of Arizona was traced back for centuries in Spain, and there was apparently indubitable evidence of his having had conferred upon him all the titles and properties necessary to establish the right of his heirs to the same. All that appeared to be lacking was proof that the woman whom Reavis claimed as his wife was of the same identity as the great-granddaughter of Don Miguel Nemecio, the first Baron.

A brain as crafty and fertile as that of this prince of impostors, after having invented the barony, the royal decrees, the wills, the proceedings before the probate courts and a long line of noble ancestry—after having carried these generations down through a century and a half, accounting for nearly every year of their lives, naturally would not neglect to make the climax of all his duplicity as strong and as convincing as possible. Nor did he. In the month of May, 1893, soon after he had filed his petition, he secured in Los Angeles and San Francisco depositions which

"The study of the other three books gave similar results. The book showing the genealogy of the first Baron of Arizona consisted of thirty-eight leaves, the first and two last being genuine, except where an attempt had been made on the latter to change, in the notary's certificate, the words stating the number of leaves of which the instrument was composed. Between leaves 1 and 37, thirty-five leaves of solidly forged matter, showing the noble descent and purity of blood of Mrs. Reavis' great-grandfather had been interpolated. In the notorial certificate on the last page, a pen stroke had been drawn across several words, and the words *treinta y ocho*, thirty-eight (the number of leaves in the book), had been changed from their original form. When deciphered they were found to have been *ciento sesenta y nueve*, one hundred and sixty-nine. So this genuine certificate had originally been attached to some genuine document containing that number of leaves, and it had been altered by the forger to make it agree with the number contained in the spurious document to which he attached it.

"The book of proceedings relating to the probate of the will of the first Baron was at first sight somewhat puzzling, because much of it was genuine; but it took but a few days to separate the genuine from the forged portions. There was no mention of the Baron of Arizona, either by name or by any one of his numerous titles, in any genuine part of it. This was also true with regard to every other document in the archives purporting to relate to the grant.

"The last book was one of parchment containing copies of various *cedulas*, and depending for its authenticity on the signature appearing on the last page, of Urbano Antonio Ballesteros, a royal notary. The genuine signatures of this officer were numerous in the archives, and the scientific comparison of the signature in question with these, quickly demonstrated that it was a bungling forgery."

It is evident that these forgeries formed the weakest link in the otherwise strong chain of evidence which Reavis had forged in substantiation of his claim. The work of Mr. Tipton was, therefore, the chief factor in bringing the whole fabric to the ground. The work Reavis accomplished was truly remarkable when it is known that during the entire quarter of a century that he devoted to what he believed to be an impregnable fortress of evidence in behalf of his stupendous fraudulent claim he found not a single genuine document relating to Peralta or a Peralta grant under any name whatever. Yet as Mr. Tipton says: "To one skilled in the study of forged writing it is hard to believe that he could have expected his so-called original documents to withstand the test of examination at the hands of a competent graphologist."

Although the investigations of Mr. Tipton in themselves might have been sufficient to bring the cause of Reavis tumbling to the ground, the government left no stone unturned. Mr. Hughes was sent to California to make an inquiry into the truth of the story outlined in the depositions taken in California in behalf of the claimants. After months of arduous labor, during which he more than once almost abandoned hope of success, he finally discovered that the manuscript records of the ancient church of San Salvador had been mutilated by the removal of entire leaves and the substitution of others containing forged entries regarding the baptism of the Naso twins and the death of the mother and the infant son. From

Louis Roubidoux and his wife, the alleged god-parents of these twins, he obtained a denial of all knowledge of the occurrence on their part. He ascertained that the sworn statements by which Reavis hoped to establish the identity of his wife as the lineal descendant of the alleged first baron were perjuries, and that, with one exception, the remaining witnesses to the lives of the fraudulent heiress were nothing but creatures of this wonderful swindler. The exception was John A. Treadway. From competent witnesses he secured the final link in the chain of evidence which the government sought—that Reavis's wife was the daughter of Treadway by an Indian woman with whom he lived in Sherwood valley. He found the man who buried Treadway on November 21, 1861—more than six months before the time when it was alleged that he had brought to Sherwood valley Maso's infant daughter.

The case came to its final trial on June 3, 1895. The finding of the court was that the grant was not entitled to confirmation; that the claim was utterly fictitious and fraudulent, and that the various documents upon which it was based had been forged and surreptitiously introduced into the archives at Madrid, Seville and Guadalajara; that the baptismal and burial records of the parish of San Bernardino and San Salvador were forgeries; that no such person as Don Miguel Nemecio Silva de Peralta de la Cordoba ever existed, or that he had a son Don Jesus Miguel; and that the plaintiffs were in nowise related to or connected with the mythical first Baron of Arizona.

Thus ended the most gigantic fraud ever attempted in the history of the world. In extent it even transcended the historic "Mississippi Bubble."

The ingenuity displayed by Reavis in arranging the plot, in even its most minor details, seems almost to surpass human power in one man's lifetime. In San Francisco he found a man who, for the sum of \$50,000, contracted with him the necessary number of persons who would swear to the various statements he had formulated. As these individuals were brought to him, Reavis schooled them in the parts they were to play until they became letter perfect. In the criminal proceedings which, in 1897, followed the decree of the land court branding the proceedings as a fraud from beginning to end, Reavis played his role in a masterful manner. But his wife, though splendidly drilled in her part of the story, and for a long time avoiding the numerous traps laid for her by skillful cross-examiners, finally collapsed under the strain. It was an intensely dramatic hour, and the incident resulted in the creation of a great wave of sympathy for the accused man. But the jury brought in a verdict against him, and he was sentenced to the penitentiary at Santa Fé. The criminal proceedings were conducted for the government by Mr. Reynolds, assisted by Summers Burkhart, who prepared two indictments in the case and rendered valuable assistance in bringing this prince of impostors to justice.

Attorney-General Harmon, in the report of the Department of Justice for the year 1895, in referring to the civil proceedings, said: "The case is remarkable as probably the greatest fraud ever attempted against a government in its own courts." Mr. Tipton says: "In all the annals of crime there is no parallel. This monstrous edifice of forgery, perjury and subornation was the work of one man. No plan was ever more

ingeniously devised; none ever carried out with greater patience, industry, skill and effrontery."

Reavis remained in prison from July 18, 1896, to April 18, 1898, three months being deducted from his term of imprisonment on account of good behavior. Upon the expiration of his term he left the territory and went to California, where he is still living.

Mr. Tipton, who bore such an important part in unraveling the mysterious features of this case, in recent years has been employed in the government service in the Philippines. Mr. Hughes, who was born in St. Anthony, Minnesota, in 1858, and was educated in Indiana University, has resided in New Mexico since 1870. His life has been devoted to commerce in Santa Fé, in which he has been successful.



## LINCOLN COUNTY WAR—FEUDS—CRIMINAL ANNALS

Many events that have transpired on the soil of New Mexico, while deeply tragic in themselves, and of long-standing effects on the communities where they occurred, are isolated from the main current of historical progress which they affect much in the accidental way that storms and earthquakes do. Outbreaks of violence occur in every age and every form of society. When persistent and widespread, they are manifestations of weak social order and the impotence of law; when sporadic and brief, they indicate the restlessness and impatience of restraint which everywhere and in all times cause crime and produce the "bad men." As long as the West was new and on the borderland of civilization, it served as a catch-basin for the reckless and criminal element of the larger East, and in the years that followed the establishment of American institutions in New Mexico, and particularly the two decades beginning with the Civil war, the Territory was seldom entirely free from the operations of political or private feud, crimes of theft and murder, and other forms of human lawlessness at some point or other within her borders. In the following pages the editors have endeavored to gather trustworthy accounts of some of the most important cases that would come under this classification of historical material.

The Lincoln County War was largely of the nature of a feud, carried on with the unrelenting ferocity and the fatal consequences which have characterized such disturbances at various times in different parts of our country. Such a conflict is usually a result of blended motives and circumstances, and those who would state the causes and the issues often find their interpretation greatly at variance from that of another witness.

George W. Coe, of Glencoe, Lincoln county, was a participant in this war, actively associated with the foremost actors of one side. With utmost freedom from rancor he states the facts of the contest as he saw and knew them with evident authority.

Alexander McSwain, who headed the faction of which Mr. Coe was a partisan, came to Lincoln about 1870, practiced law for several years, and in 1873 established a partnership with John H. Tunstel in the mercantile, banking and ranch business at Lincoln in the building now occupied by J. J. Jaffee & Co. McSwain also became attorney for John S. Chisum, the cattle king of the Pecos river, who at this time had about 60,000 head of cattle on the range.

Colonel Emil Fritz and Major L. G. Murphy had been post traders at Fort Stanton until the government turned out the traders, and then about 1867 or 1868 they came to Lincoln and continued a mercantile partnership in the building which is now used as a court house. While on a trip to Germany Colonel Fritz died, and a short time after J. J. Dolan

and John Riley succeeded to the firm of L. G. Murphy & Co., though Murphy remained in the firm as a silent partner.

These two firms were bitter rivals for the contracts to supply the government posts with cattle and other supplies. The rivalry was carried on both above and below board, and doubtless both sides resorted to questionable means of obtaining advantage. But it became rather generally understood that a great many of the cattle that were being turned in on the government contracts by the firm of Dolan and Riley were stolen cattle, picked out from the "long ————" (brand) herds, then owned and run by John S. Chisum. The latter, with his attorney, McSwain, prosecuted a number of persons for the larceny of these cattle. This is thought to have been the entering wedge which separated the people of Lincoln county into two contending factions.

About a year before the first act of hostility in the war, McSwain, acting as attorney for Mrs. Scholan (a sister of Colonel Emil Fritz), collected an insurance policy on the life of her deceased brother. McSwain, so it is alleged, had previously agreed with the sister to collect the policy at his own expense and was then to retain a certain per cent of the proceeds. He went to New York, at his own expense, and compromised the case with the insurance company, which had theretofore refused to pay a dollar. On his return he offered to turn over to Mrs. Scholan (as substantiated by several witnesses) the entire amount collected by him less his percentage as attorney. Mrs. Scholan, acting under advice of Murphy, Dolan and Riley, refused to accept this money and demanded the entire collection less his personal expenses. McSwain refused, and Mrs. Scholan commenced legal action to recover the insurance money. In this suit an attachment was levied on the mercantile firm of Tunstel and McSwain, and upon all the cattle on the ranch owned by Tunstel on the Felix river in Lincoln county.

When the deputy sheriff and his posse arrived at the ranch to serve the writ they found there John H. Tunstel, Richard Brewer, his foreman, and William H. Bonney, later famous as "Billy the Kid." Mr. Coe states that the parties were friendly while at the ranch, and that after levying

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The well known author, Emerson Hough, in a recent magazine article touched briefly on the causes and facts of the war. "There was no one part of the remoter West," says he, "which could claim any monopoly in the product of hard citizens, but there can be small challenge to the assertion that southeastern New Mexico, for twenty years after the Civil war was, without doubt, as dangerous a country as ever lay out-of-doors. The Pecos Valley caught the first of the great west-bound Texas cattle herds at a time when the maverick industry was at its height. Old John Chisum had perhaps sixty to eighty thousand head of cattle. It was easier to steal these cattle than to raise cows for one's self. As for refuge, there lay the central mountains of New Mexico. As for a market, there was the military post of Fort Stanton, with the beef contracts for supplying the Mescalero Indian reservation. Between the market and the Pecos cow herds ran the winding valley of the Bonito, like a cleat on a vast sluiceway. It caught bad men naturally. Thus the Lincoln County war of 1879 to 1880 was a matter of topography rather than of geography. It was foregone that there should be factional fighting in that country sooner or later. Some of the Chisum cow-punchers turned out as thieves, and gradually from these and other complications became evolved the famous Murphy and McSwain factions, who engaged in fighting so bitter that the Government of the United States took a hand, deposed Governor Axtell of New Mexico, and sent out General Lew Wallace with extraordinary powers, and orders to stop the killing. There were perhaps two hundred men killed in southeastern New Mexico from 1875 to 1881."

the attachment on the cattle the deputy sheriff permitted Tunstel, Brewer and Bonney to set off for town with all the ranch horses. When about twenty miles from the ranch the latter party discovered a bunch of turkeys in what is now known as Tunstel's canyon and stopped to hunt them. While hunting the sheriff's force came upon them. According to the statement of Brewer and Bonney, Tunstel rode toward the posse. Arriving within 15 or 20 feet, they ordered him to throw up his hands, which he did, dropping his gun and everything, and they shot him while his hands were over his head. At the first intimation of danger the other two men had made for the shelter of a hill, where they were attacked and a general battle ensued. They stood off the posse until nightfall, when they escaped and made their way to Lincoln and related the tragedy. Within two days the town was full of armed and excited men, roused to the highest pitch of bitterness by the killing.\*

Such was the opening event of the Lincoln war. The resulting fights and quasi-legal contests could hardly be dignified with the name of "war," since personal enmity and the spirit of feud were the pregnant elements of dispute. As always happens at such a time, the criminal class gladly allied itself with one party or the other, glad to stamp its outlawry with some semblance of justifiable warfare. The events that followed were in reality the culmination of the hatred provoked by "cattle rustling" and less specific roguery, intensified by the alliance with the opposing sides of many persons who had individual scores to settle.

The causes of the war as above cited agree substantially with the versions found elsewhere. In the judgment of another well-known citizen, the original cause was the rivalry existing between Lawrence G. Murphy and John S. Chisum, at that time the leading cattlemen at Lincoln and in the Pecos valley respectively. Both were furnishing cattle for the Indian agency and each accused the other of stealing from their respective flocks. The rivalry of these two men was the basis of the war, though the acts and depredations in which the sympathizers of these two principals were involved may have brought on the actual crisis.

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\*Tom Moore, who was a member of the sheriff's posse that levied the attachment on Tunstel's cattle, and consequently an eye-witness of many of the incidents, substantiates the claim that Tunstel resisted the sheriff's first attempt to serve the writ. His ranch house was really a fortification, being built of logs, was 14 feet square, with the door fronting east, and forming a semi-circle from one corner to another was a sand-bag breastwork. The deputy returned to Lincoln after his first visit and announced that Tunstel had resisted the levy. At this Sheriff Brady swore in a posse of about forty men, among whom were Tom Moore, Billy Morton (later killed in the war), and ordered the deputy, William Matthews, to execute the legal paper despite resistance. On reaching the ranch the posse found it deserted by everyone except the cook. It being learned that Tunstel and his men had run off a lot of horses, the force was divided and Billy Morton in command of one-half pursued Tunstel, and in the fight that ensued when they overtook him Tunstel was slain. The other half rounded up the cattle and attached them. The deputy sheriff had trouble in finding men to stay with the cattle, but finally Tom Moore agreed to do so with the help of a man named Robinson, who, however, went to Lincoln and never returned. Moore stayed with the cattle two months. About ten days after the killing of Tunstel, Billy the Kid and three companions came to the ranch and stayed all night, reporting to Moore that they had killed Billy Morton and three or four others of the party that killed Tunstel, and had now come to kill Moore provided he had been a member of the party which pursued Tunstel. But they were convinced that Moore was only the caretaker of the cattle and did not bother him.

A slightly different account places the beginning of hostilities in the visit of one of Chisum's men, in October, 1876, to Wiley's camp, where he found the boss (named Yopp) to have been killed and the men to be stealing the cattle. A short time later Murphy, claiming to be at the head of a sheriff's party, was at Wiley's camp ostensibly to hunt thieves, but really was stealing stock and committing other depredations. This account goes on to assert that it was Murphy and his men who killed Tunstel in February, 1878, the reason assigned for the killing being that Tunstel, as a cattle trader and merchant, was underselling Murphy. The successor of Yopp at the Wiley ranch was Dick Smith, who was also murdered, and his death, with that of Tunstel, made the first three casualties in the Lincoln county war.

After the killing of Tunstel his sympathizers organized themselves into a party known as the McSwain faction, some of whom had grievances of their own that induced them to take part in the strife that followed. The people fell into two hostile parties, and guerrilla war lasted for the next year and a half. The six shooters reigned supreme.

The next important incident happened in the town of Lincoln, April 1, 1878. A party of five—Billy the Kid, Fred Wait, Henry Brown, Jim French and one other—known to be adherents of the McSwain faction, while secreted in a corral behind Tunstel and McSwain's store, shot and killed Major William Brady (sheriff of the county, who was an open partisan of the Dolan and Riley party) and George Hineman, who was with Brady. This added fury to the feud while it terrorized all the law-abiding citizens of the county. After the death of Brady, George W. Peppin, a partisan of the Dolan and Riley side, was made sheriff by appointment of Governor Axtell.

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A party of McSwain men, armed with a warrant, issued by a justice of the peace, set out for Tularosa to get a man reported to have stolen some of their horses. Among this party of twelve or fourteen were Billy the Kid, George W. Coe, Fred Wait, and Henry Brown, the remainder being Mexicans. They stopped on the way and the four Americans went up a hill to get a drink at a spring. While kneeling they heard shooting in the direction of the rest of the party, and soon perceived that the Mexicans were engaged in a fight with a party of five, belonging to the Dolan and Riley faction. One of the latter, named Bernstein, was killed, and the remaining four started up the hill and came upon Billy the Kid and his comrades. A hot fight ensued, but no one was killed save Bernstein. For his death, Billy the Kid, Coe, Brown and Wait were indicted, but the governor afterwards quashed all indictments except that against the Kid.

While returning from Tularosa the McSwain party had another encounter with their enemies near the Mescalero agency. It was the 5th of April, and while they were taking dinner at Dr. Blazer's house one mile from the agency, and Coe and John Middleton were standing guard, a man named Roberts rode up on a mule, very heavily armed. It seems that Roberts, who was a fugitive from Texas, where he had committed murder, had been offered \$100 for each scalp that he could get of the McSwain faction. He rode up to the door but there hesitated, seeming undecided what to do. The party soon came out from dinner. Roberts called to Frank Coe, who was the only one known to him, and they went

around the corner and sat down on the doorstep to talk. The others, consulting among themselves as to the identity and purposes of the new-comer, decided that he must be the Roberts who was the mercenary scalp hunter about whom they had heard some rumors. It was determined to arrest him. Dick Brewer called for volunteers to help, and Billy the Kid, Charles Bowder, and George W. Coe responded. Bowder walking quickly around the corner ordered the stranger to throw up his hands. Roberts, who had his cocked Winchester on his lap, answering with "Not much, Mary Ann," both men fired almost simultaneously. Roberts was shot through the stomach, while the bullet from his gun took effect in George Coe's hand, tearing it almost to pieces. The ball first struck the gun barrel, thus deflecting it from Coe's breast. Roberts continued shooting, one shot scraping Coe's breast, Middleton was hit in the chest, and Bowder's cartridge belt was shot off. After driving his foes to retreat Roberts went into the house and taking a feather bed placed himself on it in front of the door. Dick Brewer, going below the house to an old sawmill from which he could see into the door, began firing at Roberts from behind a log. Several shots were exchanged, and Roberts succeeded in killing Brewer with a ball through the head. About this time a detachment of soldiers from the agency came up and put a stop to the fight by driving off the McSwain men. Roberts died of his wound four hours later.\*

The next fight of importance took place at the Fritz ranch, four miles below Lincoln, one afternoon about sundown. Some thirty men of the Dolan and Riley faction, while unsaddling their horses and making camp at the spring in the grove of walnuts beside the public road, discovered Frank McNabb. Frank Coe and Ab. Sanders, riding down the road towards them. Sanders was a non-partisan but the other two were McSwain men. A general firing began from the camp. Sanders was shot from his horse immediately. McNabb's horse was disabled and he took to the hills, but was pursued and surrounded and killed while making a last stand behind a tree. Meanwhile Coe had put his horse to a gallop down the road, but was followed by a shower of bullets. When he had reached a point in the road fully 1,200 yards below the camp a ball from a buffalo hunter's rifle struck his horse, passing through its head and coming out at the eye. The horse turned a somersault in falling, while Coe escaped to the hills. He was there surrounded and taken prisoner

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\*Emerson Hough has given a different version of the fight at Blazer's Mill in the following paragraph:

"The most dramatic feature in this somewhat monotonous record of violence was the fight at Blazer's Mill, about a mile from where the Mescalero reservations are to-day. There was a little crippled ex-sergeant by the name of Buckshot Roberts who was slow in leaving the country when ordered to do so. At the mill he met one day a dozen of the crack gun-fighters of the other faction. These came around the corner of the house and opened fire on him almost in concert. Standing in the open, Roberts shot the finger off George Coe, cut the pistol-belt off of Charley Bowder with another shot, and shot Jack Middleton through the lungs. He shoved his rifle against the body of Billy the Kid, and would have killed him, but the piece failed to fire. Bowder shot Roberts through the body, and the latter did most of his shooting after being thus wounded. Then he stepped into the house, picked up another rifle, and, at a distance of one hundred and forty steps, shot Dick Brewer square in the eye. He actually drove away the whole gang from the place, and took his own time to die, which he did on the following day."

and brought to Lincoln. The next day, while a fight was going on between the two factions, he escaped and joined his friends.

Following this for a period of several months there were many battles fought and many were killed or wounded. The battle that culminated the war was fought at Lincoln in July, 1878. Sheriff Peppin, heading the Dolan and Riley faction, had called upon the United States forces as a *posse comitatus*, on the plea that they were required to protect the women and children, which, it is asserted, had never been molested. The troops consisted of a company of infantry, a company of cavalry and one of artillery, with a gatling gun and a 12-pounder. The troops were drawn up before McSwain's front door, where the latter and some fifteen men were stationed, and demanded the arrest of the entire party. McSwain refused and read the order of President Hayes stating that the military had no authority to interfere or assist the civil authorities. While the attention of the McSwain force was attracted to the parleying in front, the Dolan and Riley men sneaked to the rear of the house, and pouring oil on the roof and window sills, set fire to the house. For a long number of hours those in the house had to fight both fire and bullets. But when night came they one by one made a run between volleys to the river, and thence made good their escape to the hills. Billy the Kid, and McSwain, stayed to the last, and when only they were left their opponents made a rush and endeavored to enter the house. They were checked, however, and one of their number, Robert Beckwith, was killed. The Kid then made his escape, and McSwain, who knew nothing about the use of fire-arms, was shot before he could get out of the house. Eugenio Salazar, one of the present county commissioners of Lincoln county, was in the house and was shot through the stomach, but managed to make his escape.

George W. Coe, who took such an active part on the McSwain side, had come to Lincoln county in 1876. He was born in Iowa and reared in Missouri. After the war he lived a short time in Colorado, but then returned to Lincoln county and took up his home on his present ranch, two miles above Glencoe, where he has been in the cattle ranching, farming and orchard business ever since.

The account of the Lincoln war as given above distributes pretty evenly the blame to both parties, whose nominal heads were McSwain and Chisum on one side, and Murphy, Dolan and Riley on the other. Others believe that the turbulence that terrorized the entire community, characterized by desperate man-hunts, and most appalling acts of guerrilla warfare, was the result of the outlawry established and given full license by such desperadoes as Billy the Kid. It seems that the latter never sated his vengeance because of the killing of Tunstel, his friend and employer. Some time after the fight in which Tunstel was slain, the Kid and his companions captured Dick Lloyd, Billy Morton, Frank Baker and others at the mouth of Penasco river, took them first to Chisum's camp, on South Spring river, then started with them for Lincoln, but at White-water all the prisoners met their death; shot down while attempting to escape, according to the report of Billy the Kid, but others say they were foully murdered. This happened about the 25th of February, 1878.

The Kid and his gang then proceeded to wreak his vengeance throughout the county and in the Pecos valley, showing no mercy to any

whom he thought had been connected with the killing of Tunstel. As a matter of fact, according to one version of the matter, neither McSwain nor Chisum had anything whatever to do with the war at any stage, either before or during the fighting. It was generally believed that the Kid was fighting as the head of the Chisum forces and his right-hand man, but the fact is, that he never worked for Chisum at all. The sole foundation for this report is that for a few days he stopped at the Chisum ranch at his own invitation. On January 15, 1880, Billy drew his gun on Chisum at Fort Sumner and demanded pay for services rendered, but Chisum denied any debt and walked away without a word. Billy afterwards said that this coolness saved Chisum's life.

Anyhow, it is asserted that the war put an end to cattle rustling, and when the forces of law and order once more reasserted themselves in southern New Mexico the vicious and lawless were pretty well cleaned out, just as the atmosphere is cleared after a thunderstorm.\*

The "war," as already hinted, had made Lincoln county a favorite spot for the criminal class, who held life of no account if it stood in the way of the consummation of their plans. The conscientious performance of duty during these days required a rare degree of physical as well as moral courage. On one occasion a plot was formed to assassinate the entire Lincoln "county party," as the judge, the clerk and the lawyers ac-

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\*The names of men who died in the Pecos Valley since 1877, "with their boots on:"

John Tunstel	John Northern
— McCluskey	Dick Smith
Frank Baker	Negro killed by Fred Aberdeen (name unknown)
Billy Morton	Brown Allen
Frank McNab	Tom Lowery
— Johnson	Frank Lowery
John Jones	Buck Gise
John Beckwith	D. D. Adams
Alexander McSwain (Law.)	Jack Finan
Harvey Morris	George Parker
Jim French	J. W. Spurlock
Charlie Bowder	Manwell Maxwell
Henry Brown	Henry Byers
Tom Ofolliard	John Champion
Bob Beckwith	Will Turk
Bob Olinger	— Johnson
— Bell	Sheriff Brady (of Lincoln County)
Lally Cooler (only name known)	— Hindman
Dick Brewer	Newt Huggins
— Roberts	John Griffin and Cousin
Killed at Martin Chaves' (three, names unknown)	— Spence
Sam Goodin	— Sears
Billy the Kid	Joe Harris
Goe Grant	Eggavio Ruiz
John Long	George Peacock
James Corn	George Baker
Johnny Hurley	Bennett Howell
John Edwards	Bill Milligan
Jeff Kent	George Nesbet
Less Dow	Soapsticks (real name not known)
Zack Light	— Carlisle

Many names are omitted as the men killed were not known to the authors of the information.

companying them were referred to. Judge Warren Bristol, who was then on the bench, and the other members of the party who were to open court at Lincoln, started one day from Mesilla for that place. On reaching Tularosa they learned that the sheriff of Lincoln county had been killed and that an attempt on their lives was to be made. While deliberating upon a plan of action, there arrived a detachment of soldiers under the command of a lieutenant from Fort Stanton, who gave Judge Bristol a letter from the post commander containing a statement of what had occurred at Lincoln, and offering a military escort. The offer was accepted and the party proceeded to Fort Stanton, whence the judge, clerk and lawyers went each day to the county-seat, nine miles distant, under military escort.

#### BILLY THE KID.

Billy the Kid was a product of the environment of the Lincoln County war. He was little more than a boy when he was killed, and he had been inured to the violence of border warfare until he was unable to resist the habits of outlawry. It is probable, too, that he had gone so far in crime during the war, when there was some sort of justification for wholesale slaughter, that he was a marked man ever afterward, and while the indictments against various other participants were annulled by a kind of general amnesty, the law still threatened the Kid, so that his subsequent career was almost the result of desperation.

Pat Garrett, until recently collector of customs at the port of El Paso, and a well-known political and public character of the Southwest, was the man who arrested the dangerous career of Billy the Kid by putting an end to his existence. Emerson Hough has described the closing events of the Kid's life from Garrett's standpoint.

"It was during Garrett's first term of office as sheriff of Lincoln county," writes Mr. Hough, "that he was called on to capture the notorious young desperado, Billy the Kid, then not over twenty years of age, but charged with nearly a dozen murders—most say he had killed twenty-one men; Garrett says nine. With the Kid at their chosen headquarters about nine miles east of Fort Sumner were Tom Pickett, one of the Lincoln County war fighters; Tom O'Folliard, another reckless character charged with murder; Dave Rudabaugh, who had killed his jailer at Las Vegas, and Charley Bowda, formerly a small rancher on the Bonito, but of late turned killer. Garrett concealed his deputies in houses at Fort Sumner and put out scouts. One day he and some of his men were riding eastward of the town when they jumped Tom O'Folliard, who was mounted on a horse that proved too good for them in a chase of several miles. Garrett at last was left alone following O'Folliard. The latter later admitted that he fired twenty times at Garrett with his Winchester, but it was hard to do good shooting from the saddle at two or three hundred yards' range, so neither man was hit.

"O'Folliard did not learn his lesson. A few nights later, in company with Tom Pickett, he rode boldly into town. Warned of his approach, Garrett, with another man, was waiting, hid in the shadow of a building. As O'Folliard rode up he was ordered to throw up his hands, but went after his gun instead, and on the instant was shot through the body.

"'You never heard a man scream the way he did,' said Garrett. 'He





**" Billy the Kid "**



dropped his gun when he was hit, but we did not know that, and as we ran up to catch his horse we ordered him again to throw up his hands. He said that he couldn't; that he was killed. We helped him down then, and took him in the house. He died about forty-five minutes later. He said that it was all his own fault, and that he didn't blame anybody. I'd have killed Tom Pickett right there, too,' concluded Garrett, 'but one of my men shot right past my face and blinded me for a moment, so Pickett got away.'

"The remainder of the Kid's gang moved out a little farther into a stone house, ten miles from Fort Sumner, but this new refuge proved to be a veritable trap for them. Garrett and his men surrounded the house just before dawn. It was Charley Bowda who first came out in the morning, and as he stepped in the doorway his career as a bad man ended, three bullets passing through his body. The rest of the gang later surrendered and were taken to Santa Fé. Here the officers had their most dangerous experience, for a mob was formed which stopped the railroad train in the depot yards, threatening to kill both prisoners and officers. As Garrett had accepted the surrender of the prisoners on the condition that they should all be taken safely to Santa Fé, he felt both his life and honor at stake. 'Give me a six-shooter, Pat,' said Billy the Kid, 'and if they come in the car I'll help you, and I won't hurt you, and if they don't kill me I'll go back to my seat when it's over. You and I can whip the whole of them.' This compact between the bad man and his captor was actually made, but at the last moment the leaders of the mob weakened and the train pulled out.

"Later Billy the Kid was tried and condemned to be executed at Lincoln. A few days before the day set for his execution he killed the two deputies who were guarding him, and broke back to his old stamping-grounds around Fort Sumner. 'I knew now that I would have to kill the Kid,' said Garrett, speaking reminiscently of the old bloody scenes. 'I followed him up to Sumner, as you know, with two deputies, John Poe and Tip McKinney, and I killed him alone in a room up there in the old Maxwell house.'

"He spoke of events now long gone by. It had been only with difficulty that we located the site of the building where the Kid's gang had been taken prisoners, the structure itself having been torn down and removed by an adjacent sheep-rancher. As to old Fort Sumner, once a famous military post, it offered nothing better than a scene of desolation, there being no longer a single human inhabitant there. The old avenue of cottonwoods, once four miles long, is now ragged and unwatered, and the great parade-ground has gone back to sand and sage-brush. We were obliged to search for some time before we could find the site of the Maxwell house, in which was enacted the last tragedy in the life of a once famous bad man. Garrett finally located the spot, now only a rough quadrangle of crumbled earthen walls.

"'This is the place,' said he, pointing at one corner of the grass-grown oblong. 'Pete Maxwell's bed was right in the corner of the room, and I was sitting in the dark and talking to Pete, who was in bed. The Kid passed John Poe and Tip McKinney, my deputies, right over there on what was then the gallery, and came through the door right here. He could not tell who I was. "Pete," he whispered, "who is it?" He had his

pistol, a double-action .41, in his hand, and he motioned toward me with it as he spoke, still not recognizing me. That was about all there was to it. I supposed he would shoot me, and I leaned over to the left so that he would hit me in the right side and not kill me so dead but what I could kill him, too. I was just a shade too quick for him. His pistol went off as he fell, but I don't suppose he ever knew who killed him or how he was killed.'

"Twenty-five years of time had done their work in all that country, as we learned when we entered the little barbed-wire inclosure of the cemetery where the Kid and his fellows were buried. There are no headstones in this cemetery, and no sacristan holds its records. Again Garrett had to search in the salt grass and greasewood. 'Here is the place,' said he at length. 'We buried them all in a row. The first grave is the Kid's, and next to him is Bowda, and then O'Folliard. There's nothing left to mark them.'"

John W. Poe, of Roswell, a United States deputy sent to the Territory to protect cattlemen from the cattle thieves, has furnished versions of several chapters in the Kid's career. Mr. Poe was appointed a deputy sheriff by Garrett, and was in White Oaks with Garrett at the time Billy the Kid made his escape from the court house at Lincoln, where he was in custody awaiting execution.

Billy had been arrested during the winter of 1880-81 near Portales, by Garrett, and placed on trial for the murder of Major Brady and Bernstein, a young man acting as clerk at the Mescalero Indian agency. He was tried at Las Cruces in the Federal court and convicted and taken to Lincoln to be executed. He was kept in the court house awaiting execution, and in May he made his escape.

Two deputies named Ollinger and Bell had been left in charge of Billy the Kid and some other prisoners. Ollinger took these other prisoners across the street for the noon meal and Bell was left in charge of Billy. Billy expressed a desire to have his hands loosened from the handcuffs for some purpose and Bell obliged him. They were in the corridor of the court house at the time, and Billy, seeing that Bell was some distance behind him, sprung up the stairs and broke in the door of the locker where the weapons were kept, and before Bell realized his position he was dropped with a bullet from Billy's gun.

In the meantime, Ollinger, being attracted by the firing, came running across the street, and Billy, from his position at an upstairs window, called to Ollinger as he appeared directly below him, and as Ollinger glanced up he received a charge of buckshot from his own gun in the hands of Billy the Kid.

Billy crawled out on the balcony and to the crowd which had assembled below he gave directions, which were complied with, and after almost an hour and one-half Billy the Kid was mounted and took to the hills.

The news reached Pat Garrett and John W. Poe at White Oaks that night, and Garrett returned to Lincoln at once and posses were started in pursuit. The track was found and lost again, and after a thorough scouring of the country the search subsided.

Mr. Poe some weeks later was at White Oaks, and in a conversation with a friend named Gwynne he learned that Gwynne had overheard the Dietrick brothers, who were avowed friends of Billy the Kid, talking of

Billy, and the information was obtained which led to the final capture of Billy. By this conversation it was learned that Billy was at Fort Sumner.

Poe went to Lincoln and told Garrett of what he had learned, but Garrett was inclined to give little credence to the story. He finally agreed to investigate if Poe would accompany him, and so together, with a deputy named McKinney, the three started for Fort Sumner. They came to Roswell, and from Roswell continued to Fort Sumner. The posse arrived just outside the fort July 15, 1881, in the afternoon. Poe being unknown to the people of Sumner, he was selected to enter the village and make investigations. The people seemed very suspicious regarding strangers, but Poe explained, in answer to inquiries, that he had been engaged in mining at White Oaks and was en route to his home in the Panhandle of Texas.

After investigating with little success in Fort Sumner Poe rode out seven miles to the home of Rudolph, and presented a note from Garrett which explained the presence of the officers, and besought from Rudolph any assistance which he might be able to give. Rudolph was very diffident, and apparently afraid to commit himself, as he doubtless feared he might be placed in a compromising position. Poe took supper with Rudolph, and shortly afterwards mounted his horse and rode to the end of an avenue of cottonwood trees four miles north of Fort Sumner, where he met Garrett and McKinney, as had been prearranged.

Garrett knew that the Kid was intimate with a certain Mexican woman living on the outskirts of the fort, and so they went to this place and secreted themselves in the orchard back of the house and for two hours lay in waiting in the hopes that the Kid might appear.

They were disappointed in this and at the suggestion of Mr. Poe the three officers went to the home of Pete Maxwell, intending to question Maxwell and get, if possible, some information regarding the Kid's whereabouts.

They arrived at Maxwell's house and Garrett, who was familiar with the premises, immediately entered the house and went to Maxwell's bed room. Poe sat down on the edge of the low porch and McKinney crouched on the ground leaning against the low pale fence which extended along the edge of the porch.

They had scarcely assumed these positions when a man was seen coming along the fence toward the entrance to Maxwell's house. He came up and was almost upon Poe before he saw him. This was "Billy the Kid." Neither Poe nor Billy had seen each other prior to this meeting.

Billy, on realizing the presence of a man, sprang toward the door, and with his pistol covering Poe he backed into the house and into Maxwell's room. It being very gloomy in the room, he was unable to recognize Garrett, but he saw the outline of a man seated on the bed beside Maxwell, and in Spanish he inquired, "Who is it?" Garrett made no reply, but reached for his gun, and instantly was covered by Billy's six-shooter. Garrett recognized Billy's voice and could see his outline as he stood there clad in a white shirt. He pulled his gun and fired two shots, killing Billy almost instantly. The next day, Rudolph, who was justice of the peace, was summoned, and an inquest according to law was held over the remains and the notorious outlaw was given burial by the Mexicans according to their belief.

## THE HARROLD WAR.

The Harrold war, so called, is really a chapter in the almost continuous reign of violence in southeastern New Mexico for fifteen years after the war. Its arena was not so broad nor its results so deadly as the Lincoln County war. The Harrold war was an earlier manifestation of the violence which came to a head in the Lincoln County war. This spasm was comparatively brief, and did not range all the citizens on opposing sides. Though it had the character of a feud it was a feud based largely on race hatred, and the strife assumed a virulent form because it arrayed the Americans and Mexicans against each other.

The principal actors in this feud, which chronologically, and in some degree because of its consequences, belongs before the Lincoln County war, were the following: Samuel Harrold, the oldest brother, with wife and five children; Tom Harrold, next in age, with wife and one child; Martin, with wife and child; Benjamin, who brought no family; and Merritt, who had a wife but no children.

These five brothers came from Lampasas county, Texas, in 1873, to New Mexico, and brought with them their stock, etc. About twenty men besides women and children accompanied the Harrolds from Texas. The Harrolds came from Texas because they had trouble there and a feud arose between the Harrolds and Higginsons.

All of this party of Texans located on the Riadosa, about sixty-five miles from Roswell. There the Harrolds bought a homestead from Frank Reagan and Haskell Jones, and these other Texans located in the vicinity.

Ben Harrold went to Lincoln on business and while there he, with David Warner and Jack Gilliam, ex-sheriff, began drinking. While brandishing arms they were disarmed by Mexicans who were deputies. Then later they secured other weapons and again they were disarmed by the Mexicans, or rather, they resisted this time and a general fight ensued between these three Americans and the Mexicans, and the three Americans were killed and one Mexican.

As soon as the other brothers learned of the death of Ben they went to Lincoln and made efforts to have the Mexicans tried and an investigation ordered. They were unsuccessful in this because the Mexicans claimed they were doing duty. Then trouble began and the Harrolds and their followers began killing Mexicans at every opportunity.

A general war ensued and the Harrolds and their followers fortified themselves at their ranch. They had placed the women and children in the old grist mill of Robert Casey at Picacho. Ham Mills was sheriff at that time and he came to the Harrold ranch intending to arrest this party. They refused to be arrested and the sheriff's posse surrounded the house and shots were exchanged. The posse remained for two or three days and then returned to Lincoln. In a few days the Harrolds went to Lincoln and got in with some soldiers who were in Lincoln on furlough and together they "shot up" a Mexican dance and one Mexican was killed and another wounded.

The Harrolds, on returning to their ranch, took their families to Roswell. While en route, one of the Harrold party, Ben Turner, was killed at Picacho by Mexicans, and a little later the party met some Mexican freighters and killed them all. The Harrold party afterwards returned to

Lincoln, leaving their families at Roswell. Their plan was to attack Lincoln, but they could decide on no course and returned to Casey's place with the intention of killing Frank Reagan. Being thwarted in this they went on to Roswell and left the country for Texas, where they afterwards met violent ends.

This ended what is known as the Harrold war, which for a long time caused tense feeling between Americans and Mexicans. A number of the followers of the Harrolds having remained in the country, started the depredations in cattle and as a result the majority of the small cattlemen had to dispose of their cattle interests.

Robert Casey, who figured prominently and honorably in events which have shaped the history of the Territory, came to New Mexico in 1867 from Mason county, Texas, and purchased a ranch from Leopold Chene located about two miles from Picacho on the Rio Hondo in what was then Socorro county. He purchased the Acequia gristmill on the Hondo and improvements on both sides of the river. This was the first mill in this part of the Territory and was, therefore, a very important industry. After making his purchases, Mr. Casey returned to Texas for his family, with whom he arrived at Picacho in March, 1869. In the following winter the Mescalero Indians stole one hundred and twenty-eight head of cattle from his corral. He continued farming for seven years and managed to keep free from the wars and depredations of the Indians.

Active in politics, however, Mr. Casey exerted considerable influence in public affairs and on the 2d of August, 1875, went to Lincoln to attend a county convention. He was always staunch in support of his honest convictions, active in politics and a leader on one side in the convention. The side with which he affiliated won in the contest and a bitter feeling arose, resulting in a man by the name of Wilson being hired by the opposite party to kill Mr. Casey. Mr. Casey invited his clerk and also Wilson to dine with him at Lincoln and together they took dinner at noon. At two o'clock that afternoon Wilson shot Mr. Casey on the streets of Lincoln. He was hidden behind an adobe house and fired two shots. Captain Sartinino Baca, who was then sheriff, arrested Wilson at once and he was taken to Fort Stanton and kept in a guard house, Captain Versha being in charge of the prisoner. The man was tried in October, convicted and hanged on the 18th of December, 1875. This was the first man hanged by law in the Territory of New Mexico, it is said. Mr. Casey had been in the United States army as a member of the regulars and was a man uniformly respected save by political opponents who allowed the passions of the hour to circumvent their better judgment. As a business man and citizen he contributed largely to the early progress and improvement of the country in which he lived and well deserves mention among the pioneers to whom the country owes a debt of gratitude for what they accomplished. Mrs. L. C. Klasner, a daughter of Mr. Casey, now lives on a part of her father's original homestead.

#### LAS VEGAS WHITECAPS.

The Whitecaps were started among the Knights of Labor at Las Vegas by the sons of Brigadier-General Manuel Herrera, a native officer of the early militia. After having engaged in numerous notorious escapades in

northern New Mexico, they were finally driven from the Territory by threats of lynching. There were three of these brothers—Juan Jose, Pablo and another. All went to Wyoming when ordered out of New Mexico, but that state, then a Territory, did not extend to them the right hand of fellowship, as they had expected, and a few years later they drifted back to San Miguel county one by one. There they effected the organization of the local order known as the Knights of Labor, and eventually they organized from among its most ignorant native members the Whitecaps.

About this time Judge Thomas J. Smith came to the Territory as chief justice and judge of the Fourth Judicial district, with headquarters at Las Vegas. Judge Smith was a man of exceptionally strong character, possessing an unflinching determination to correct such evils as came under his notice, as far as lay in his power, at all hazards. He was arbitrary, but just. As soon as he learned the political situation and the amazing disregard of the law on the part of so large a proportion of the native element, he determined to break up the Whitecap element at any cost. Pablo Herrera was then the recognized power among this element, and during a term of court in the winter of 1893-4, Judge Smith instructed the officers present to bring Herrera before him, dead or alive. Soon afterward the desperado was brought into the court-room—dead. He had been shot by the deputy or deputies who went after him, and who undoubtedly were glad to avail themselves of the privilege extended to them by the court's alternative order.

Lorenzo Lopez, one of the shrewdest native politicians of this period, did much to incite the more ignorant classes to a show of rebellion against the constituted authority. Those who knew him best say that he would stop at nothing in the furtherance of his political ambitions. To further his ends he joined the Penitentes, hoping thereby to gain their inalienable support. Many of these he persuaded to commit depredations to annoy and excite the Americans and peaceable Mexicans. He is generally believed to have had a silent hand in many crimes, including that of murder.

The popular feeling against the proprietors of the great Maxwell land grant at this time ran very high, and the work of the Whitecaps was closely identified with the numerous attacks against agents of the grant. The center of the grant troubles was at Elizabethtown, and officials of the company never dared to go to that place on business connected with the administration of the grant's affairs. For many years prior to 1893 no representative of the grant appeared among the miners of that point. S. E. Booth, a man in whom all parties had confidence, and who was one of the most potential factors in quieting the turbulent conditions in San Miguel county, went up to Elizabethtown in 1893, and by reason of his display of tact and courage brought about a better feeling between the contending parties.

#### ANNALS OF CRIME.

The lawless element in the southern part of Sierra county, chiefly cattle thieves, was permanently broken up about the time that drastic measures were inaugurated against this class in Doña Ana county. With the sentiment of the community back of them, three or four residents of



Lake Valley and vicinity organized a vigilance committee and succeeded in apprehending eighteen men who were suspected of being "rustlers." When captured these men confidently expected to be hanged without process of law, but, to their surprise, they were given a fair trial in the court of the district. Five of these were adjudged guilty and sentenced to the penitentiary for seven years each, and the remainder obeyed the order to leave the country. This act put an end for all time to the depredations of cattle thieves in that part of the Territory.

The northeastern part of the Territory was thrown into a ferment in 1896 by the mysterious murder of Daniel Young, a widely known and wealthy stockman of Raton. Mr. Young owned a large stock ranch a short distance east of Johnson's mesa, in Union county, and made frequent trips between his ranch and his home. While traveling in a wagon he was shot from ambush, it was generally believed, but the most careful investigation failed to disclose the author of the crime.

In the early days of the gold camp at Elizabethtown, crime was rampant. Desperate characters flocked in from all quarters upon the announcement of the discovery of the precious metal at the now famous Maxwell ranch, and human life was held very cheap. In 1869 a man commonly known as "Wall" Henderson, who up to that time had evinced a most peaceable disposition, was working a claim a short distance down the creek. A number of "bad men" from Colorado, knowing that Henderson and some of his companions were working rich ground, began to "jump" their claims. One morning Henderson visited three or four of these men who were panning gold from one end of a claim he had staked out, informed them that they were trespassing and warned them away. In a rage, one of the newcomers sprang at Henderson and struck at him with a shovel. He missed his mark, however, and before he could renew the attack Henderson shot and instantly killed him. He was soon afterward tried by a jury in Mora county and acquitted. Returning to Elizabethtown, he was subjected to great abuse from the friends of the man he had killed, until one day, while in a saloon, a man named "Ned" O'Hara attempted to strike Henderson in the head with a rock. The latter drew his pistol and shot his assailant in the eye, but not killing him.

Henderson now began to drink heavily, growing morose, and it required but a word to make him ugly. A gang of desperate characters were making their headquarters on Ute creek, and Henderson cast his lot with them. He visited Elizabethtown frequently, and usually engaged in a quarrel before leaving. One morning he took exception to some remark made to him by Joseph Stinson, proprietor of a saloon in which he was drinking, and emptied his revolver at him, killing him instantly. Henderson has had a worse reputation since his death than his career warrants. The truth is that the two men referred to were his only victims, and in both instances his course was doubtless justifiable under the code of those days.

The most sensational incident of the golden days at Elizabethtown was the murder of a minister named Talby. In these days the federal government maintained a garrison at Cimarron, and gambling was their principal pastime. One day while a number of soldiers were in a saloon a raid was made by one or more of them upon a faro table, where-

upon a Mexican named Francisco Griego, who was employed as dealer, jumped over the table and, drawing a huge knife, began a general attack upon the soldiers present. The latter ran from the saloon, but the enraged Mexican pursued them and began shooting. Three were killed and several wounded.

Mr. Talby, who had been using his best efforts to break up the rowdyism prevalent at this point, took the initiative in the punitive proceedings which followed, publicly announcing that he would leave no stone unturned to break up the desperate gang on the Cimarron. When it was found that Talby intended to inaugurate wholesale prosecutions the lawless element laid plans to encompass his death. While returning from Elizabethtown the following week the Mexican mail carrier, Poncho, passed Talby, who was traveling from Elizabethtown to Cimarron, and a short distance further on lay in wait for him. Talby was murdered that day at Clear Creek, and the mail carrier was accused of the crime and hanged by a mob. On the day following Griego was killed by Clay Allison, as related elsewhere.

The murder of Talby created great excitement throughout the entire northern part of the Territory, where he was well known and extremely popular among the law-abiding element. A number of prominent men were suspected of complicity in the crime, and three or four of these men were warned never to enter Elizabethtown again, under penalty of death. So intense was the feeling that everybody who was suspected of having harbored the slightest feelings of ill will against the dead minister stood in imminent peril of lynching. Poncho, sometimes called Baca, the mail carrier, made a confession, in which he endeavored to implicate M. W. Mills, a well-known lawyer, and a man named Donohue, claiming that they had instigated the deed. Mills and a Mexican named Cardenas were held for a while. The latter was killed by cowboys, who sought vengeance for the death of their friend Talby, and a rope was placed about the neck of Mills, but his life was spared upon the intercession of "Tony" Meloche and others. The Mexicans who lived at Clear Creek, and who were thought by some to have had a hand in the murder, were apprehended at the instigation of a local preacher named McMains, but they were taken from legal custody and killed by cowboys. Dr. Longwell, a prominent physician of the early days, who was accused of having provided the money to pay the murderers for their work, succeeded in making his escape to Fort Union, where he remained under the protection of the troops for some time. Clay and John Allison (sometimes written Ellison), brothers, assumed the leadership of the cowboys who sought the death of Talby's murderers, and some accounts state that several other accused men besides those mentioned met sudden death at the hands of these two men.

R. C. Allison, generally known as Clay Allison, one of the most notorious desperadoes of northern New Mexico, was born in Tennessee about 1840. He served in the Confederate army and continued a guerrilla war after the country as a whole was at peace. He was led to this course by a personal outrage committed shortly after the war. One of his northern neighbors wantonly destroyed a pitcher belonging to Allison's mother, and which she prized very highly. In spite of her pleadings to the contrary, he broke the pitcher over a fence post right in her presence. Alli-

son, on learning of the outrage, killed the fellow, and his enmity to the north took the form of personal enmity to all its representatives and finally to all organized society.

About this time Allison, being in command of a party of about sixty men, attacked a body of United States soldiers, and in the fight two mules belonging to a poor widow were killed. After the fight Allison stole into the army officer's tent and, at the point of a revolver, made him promise to pay the widow for the dead mules. Allison possessed some of the chivalry for the needy that has so often characterized the great criminals from the days of Robin Hood to the present.

Shortly after the war he came west, tarrying awhile in the Indian Territory, where he fought two duels with halfbreed Indians, and while en route to Texas engaged in a desperate encounter with knives with Frank Tolbert, himself a well-known desperado, on the ferryboat run by Tolbert. Both fell into the river, and this sudden bath alone prevented the death of one or both the combatants.

After punching cattle for Lacey and Coleman in Texas until about 1871, Allison brought a herd of cattle to New Mexico and located a ranch on Red river, being still in the employ of his former firm, although taking the cattle on shares. His herd having dwindled down by 1875, he sold what was left and went to Las Animas, Colorado, where he dealt in cattle.

Before leaving Red river he made an addition to his criminal record: "Chunk," a bad man and a nephew of the Frank Tolbert just mentioned, with a record of several killings to his credit, came from Trinidad with the avowed intention of spilling Allison's blood. The Clifton House was then the famous resort for the characters, both good and bad, and Allison was not long in accepting the challenge that was bruited through the community, and repaired to the hotel to meet his enemy. Though each was conscious that the other meant to get the drop on him and take his life, they neither one seemed bold to take the initiative. For a day and a night they continued drinking and carousing, apparently in good fellowship, and both seeming unable to precipitate the desired quarrel. The second evening Allison invited Chunk to eat supper with him. Seated opposite to each other at the table, while the meal was being prepared, they edged into hostility by means of what at first seemed a casual discussion. A word of dissent from Allison, and Chunk raised his pistol from his lap and fired. Allison quickly threw his head to one side and the bullet missed, entering the wall back of his head. He also had his gun handy and he fired hardly an instant after the other. Chunk was hit just above the left eye, being killed instantly, and his pistol fell on his plate. Allison was never indicted for this killing.

He was next involved in the killing of the Mexican, Griego, described on a previous page. This happened at Cimarron. The Mexican boasted that he intended to kill Allison, and when the latter came to town one day he was warned of this threat by Asa Meadow, a merchant. Allison soon after met Griego and two other armed Mexicans on the street, and after a wordy altercation they parted until Allison could put up his team, and then met again in Lambert's saloon. After taking a drink together they went into the back part of the saloon. Here Griego attempted

to pull his gun, but Allison was too quick for him and put a bullet through his head before he could pull the trigger.

Robert Burleson was an intimate friend of Allison, and about this time was elected sheriff. Several indictments were already held against Allison, but through the favor of the sheriff Allison left the country and went to Las Animas, as related. A short time after the killing of Griego he was surrounded in his house by a company of colored soldiers with white officers. Inviting the officers into the house, he agreed to go to Cimarron and be turned over to the sheriff and go to Taos, where court was held, providing he could keep his guns and that he be taken in by the white officers and not by the "niggers." This was done and he went to Cimarron and from there rode to Taos in company with the sheriff. A company of soldiers was waiting for him, but, having kept his verbal promise by coming to Taos, he rode around town and escaped before the soldiers could surround him.

His career at Las Animas was inaugurated with a fist fight with La Fevery, a stock buyer, in which Allison got the best of it. Some time later he and his brother John had a fight with a constable. They were both on a spree, but John was trying to keep his brother away from mischief. The officer, being afraid to confront the desperado, opened the door of a saloon and shot at both the brothers, the bullets taking effect in John's side, but not killing him. Clay then shot the constable full of holes and then defied arrest, until the banker of the town entered into a treaty to protect Allison from a mob. The grand jury was unable to find an indictment and Allison went free. His brother John was sent to Mexico.

In 1877 Allison moved to a ranch on the Pecos river and never had any important fights after that. Though he died with his boots on, it was not by the hand of another. After a heavy spree in town he was returning home and fell from the wagon, which passed over him and crushed him to death.

This desperado, like many who earned a reputation through crime, had some traits that were admired by his fellow citizens. It is said that he never troubled any one except a man known as a fighting man, and he lent his assistance in fighting the cattle thieves. Though a hard drinker on occasions, at other times he was quiet and was never abusive to opponents. In build he was six feet and a half inch high, square-shouldered, black hair and whiskers, large blue eyes, and weighed about 180 pounds. He was crippled in the left foot, having shot himself through the instep.

One of the bad men who flourished in Elizabethtown was Joseph Antonio Herberger. He was a member of the vigilantes, and some of his acts were committed under the cloak of that organization. He was instrumental in capturing "Pony" O'Neil, who had committed murder and was hiding from the vigilantes. Herberger struck him with a brick while he was hiding between two buildings, and the vigilantes then dragged him out and hung him to a tree, riddling his body with bullets. This happened in the spring of 1868, and in the following August Herberger beat a Captain Keefer to death in his saloon, knocking him down with a chair and finishing the brutal act with a stick of stovewood. The cause was a whisky bill. On the morning of July 4, 1886, he shot, in cold blood, John

Greeley in the latter's saloon at Elizabethtown. On the night before both had given public dances, and the fact that Greeley had the crowd made Herberger jealous. Herberger entered the saloon and shot his rival just as he was handing out a glass. Greeley staggered. Mike Murphy caught him and held his head on his shoulder. Herberger then came up and, putting his gun under Murphy's shoulder, fired a second time into Greeley's side. Herberger was arrested and convicted, but two and a half years later was pardoned from the Santa Fé penitentiary and returned home, where he died, February 13, 1898, alone, having been dead three days before he was discovered. The last crime was the only one for which he was convicted. He was placed on trial for the Keefer murder, but there were no witnesses, he having bought or intimidated them all.

Charles Kennedy, who lived at the foot of the divide (east side), on the road from Elizabethtown to Taos, kept a travelers' rest, which was really a house of horrors to all who stopped there. It is said that Vice-President Colfax had once been entertained at this house. A traveler had disappeared and the search led to Kennedy's ranch, where the mules belonging to the traveler were found, but nothing of his person.

Kennedy's brutal and inhuman crimes were finally exposed by his wife. She was a Mexican woman, and was led to turn on her husband because he had wanted to kill their child, which had inherited disease from the husband. The wife, enraged, ran away to Elizabethtown and reported some of his crimes. Officers were sent to arrest him and brought him to town, where he was confined in jail. In the meantime, acting on information given by the wife, the authorities had found two skeletons under Kennedy's house, and in a fire that was still burning when the crowd reached the house were found many human bones. After his wife had started away to town to report the killing of the baby, he disinterred the bones of several victims, it is said, and endeavored to obliterate evidences of his crimes by burning them. His wife said he had killed two of their babies, having roasted the first one over the fire. The wife was in mortal agony of her life because of her testimony, and before the trial came to a close, it being rumored that Kennedy's lawyer was going to obtain his release by the free use of money, a mob took the wretch from the officers and dragged him through the streets until he was choked to death. This was in 1871.

About 1873 the criminal element of Elizabethtown was reinforced by the arrival of "Coal Oil Jimmy." He was a young man, but had a hard record. In company with "Long" Taylor (six feet seven inches), he held up the coach between Elizabethtown and Cimarron and got \$700. The driver, Nettlehorse, had to make good the loss. Both the robbers were later killed in the Turkey mountains by Joe McCurdy and Stewart, who themselves were hard cases and had been with the highwaymen in similar crimes, but they had quarreled and split their relations. A big reward having been offered for Jimmy and Taylor, McCurdy and Stewart started out to capture them. Arriving at their camp, they pretended friendship and expressed a desire to join the company again. Quite deceived, the other two accepted their peaceful advances and went to sleep without suspicion. McCurdy and Stewart found it an easy matter to kill their quondam friends, and took their bodies to Cimarron in a wagon, where they were paid the reward.

In 1882 a bloody tragedy was enacted at Raton, in which the principal actors were Metzler, an outlaw from Dodge City; Harvey Moulton, whose relatives, Edleron and Jackson, had been killed by Metzler, and Bergen, who, being ready with a gun and fearless, had recently been appointed marshal of the town of Blossburg. In the first act Metzler began a promiscuous shooting in Burbridge's saloon, and, being pursued by a crowd and surrounded at the depot, kept up his shooting and held the mob at bay. Bergen, whose prowess was known in Raton, was sent for, and on arriving effected Metzler's arrest. The prisoner was being guarded in Bergen's house when Moulton came in and demanded the prisoner on account of his having killed Moulton's relatives. Bergen's refusal led to a fight over the possession of the prisoner. Moulton fired first and his shot was fatal, but before falling the marshal had directed a shot which also ended Moulton's life. Metzler then escaped from custody, but was caught the same day, and that night a mob hung him on a sign in front of the old bank in sight of the depot. His body was cut down just before the train came in.

August 1, 1891, Frederick Faulkner and James Lannon were in Trinidad, the latter with a team, wagon, camping outfit and some money. Faulkner was looking for work. August 7th they left Trinidad in company, and the following day the body of Lannon was found in Colfax county (now Union county), near Trinchera river, his head mashed in, and not far away was found an ax covered with blood. On the same day Faulkner was seen at Folsom with the outfit, and the night of the next day was arrested in Colorado, one hundred and fifty miles away from the scene of the murder. He had the outfit, including a valise with letters addressed to Lannon. In the trial Faulkner claimed that two Mexicans had killed Lannon and warned Faulkner to leave the country. He also testified that he had some time before been an inmate of the asylum at Pueblo and at similar institutions in Illinois and Missouri. The case, which excited much interest, was tried in San Miguel county, a change of venue having been obtained because of alleged local prejudice. M. Salazar and Jeremiah Leahy were appointed by the court to the defense, and on conviction they appealed the case, but the supreme court sustained the verdict and Faulkner paid the extreme penalty.

J. Leslie Dow, sheriff of Eddy county, was waylaid and killed in Eddy (now Carlsbad) on the night of February 18, 1897. He had been active in the prosecution of cattle thieves and incurred the bitter enmity of these outlaws. Dow was a brave and efficient officer and a very popular man. He was a typical Texas cowboy, brave, quick in a quarrel, a hard fighter. He was a native of San Saba, Texas, and for several years is said to have led an irregular life among the cattlemen of that state. He came to New Mexico in 1883, locating in Lincoln county, where he became identified with the cattle industry. His first shooting affair in the Territory was at Seven Rivers, where, in the spring of 1890, he shot and killed Zach Light, who was known as a "bad man." He led the posse which killed Bob Hayes, a noted desperado, who was a member of the notorious "Black Jack gang," in 1896.

Saturday, June 18, 1881, Milton J. Yarberry, a constable of the then new town of Albuquerque, shot and killed Charles D. Campbell on First street, Albuquerque, after the latter had fired at him from a revolver. He

escaped from jail on September 9, while awaiting trial, but three days later was captured in the Arroyo Galisteo, in Santa Fé county. Six weeks before, Yarberry shot and killed Harry Brown in Albuquerque in a quarrel over a woman. Brown was the youngest son of ex-Governor Neil S. Brown, of Tennessee. Yarberry was a native of Texas, began his career of crime by killing a freighter in Texas, and afterward was the associate of a gang of desperadoes in that state. He killed several other men there. Yarberry was hanged in February, 1883.

**CHAVEZ MURDER TRIAL.**—At the June term (1894) of the district court, Santa Fé county, Francisco Gonzales y Barrego, Antonio Gonzales y Barrego, Lauriano Alarid and Patricio Valencia were indicted for the murder of Francisco Chavez on May 29, 1892, in Santa Fé county. March 18, 1895, a special term was called by N. B. Laughlin, associate justice. He deemed himself disqualified to sit and asked H. B. Hamilton, of the fifth district, to do so. The trial began April 28, 1895, and continued six days and the accused were all found guilty. A new trial was sought, but the motion was overruled and the death sentence set for July 10, 1895. An appeal was carried to the supreme court by writ of error, but the judgment was affirmed.

At the trial the defendants attempted to show that at the time of killing they were at the house of Seferino Alarid. Juan Gallegos, by his own admission an accomplice in the conspiracy, represented that he was approached by Hipolite Vigil with a proposition to kill Chavez, being told that Antonio Barrego and Patricio Valencia had agreed to join the plot. The latter had agreed to kill Chavez because he was a prominent man, of great strength with his party, to which they were antagonistic and which they wished to destroy in Santa Fé county. Gallegos seemingly acquiesced, but finally decided to put Chavez on his guard by sending him a short note of warning. The murderers were members of the "Button Society," and Gallegos, fearing he would be killed if news of his betrayal of their secret leaked out, went to Colorado, where he remained until he learned of the death of Chavez. One of the counsel of accused stated the existence of the Button Society for political purposes and declared himself a member of it. Many reputable men went on the stand and swore they would not believe witnesses against the accused under oath. (The same witnesses were believed in Catron disbarment case.)

The case takes its place among the *causes célèbres* in New Mexico from the prominence of the deceased, from the notoriety of the criminals, from the complication and mystery of the circumstances, from the great delay in securing a jury, from the time (nearly six weeks) and the money (many thousands of dollars) consumed in the trial, from the extent and the intensity of the public interest, and from the exceptional skill and zeal, as well as the intrigue and corrupt practices, alleged to have been employed in attempting to secure an acquittal.

The men were hanged.

The assassination of Charles L. Kusz, Jr., editor of the *Gringo and Greaser* at Manzano, Valencia county, on March 26, 1884, caused high feelings throughout New Mexico. The editor was killed while seated at supper table in his home by two rifle shots fired through a window. He was entertaining Dr. John M. Bradford at dinner, and they were alone.

His paper was an authority on mining and ranching in New Mexico

and the only paper in the world printed entirely in italics. It is believed that the assassination was due to his fearlessness in discussing public affairs, especially on account of his efforts to expose cattle thieves.

February 5, 1891, when Thomas B. Catron, then a member of the council, was in his office with Senator E. S. Stover, Senator T. B. Mills and Senators Ancheta and Perea, two men rode up and fired point blank through the glass door with rifle and shotgun, hitting Ancheta. The attempt was believed to have been made on Catron. The legislature next day appropriated ten thousand dollars as a reward for the apprehension of the assassins.

A pathetic case of loyalty and devotion to religious principles was that of Father Abel, assistant to Father Monicum in the Catholic church at Mora, about 1861. Father Monicum had a dispute with some of his parishioners about a parish school, and they planned to poison him—putting poison in the wine used at the sacrament. The wine had been blessed and Father Abel, who chanced to be administering sacrament for Father Monicum, knew it was poisoned. After drinking of it he turned to the congregation and said, "I am poisoned." He refused to take an emetic, as the wine had been drunk during mass. He died almost immediately. The event created a great sensation. His parishioners were almost entirely native Mexicans. Father Monicum was accused of poisoning him, was arrested, got a change of venue to Taos county and was acquitted. Manuel O'Neil afterward confessed to the crime. Monicum was a Hollander and at one time operated a train of freight wagons. He was generally accused of immorality. He afterward went to Trinidad, became rich and finally returned to Holland.

Thomas S. Heflin was attorney of Silver City, also ex-district attorney and a prominent Democrat. In March, 1902, while he was drinking in the Club House saloon in Silver City, John W. Childers entered and, according to report, announced himself in vile language as a fighting man who was looking for trouble. He picked a quarrel with Heflin, some say, over a fee he owed the latter. Heflin was very much intoxicated and was so maudlin that he was willing either to apologize or fight just as the humor came. Childers was in an angry mood and soon precipitated a fight, in which he fired several shots at Heflin, who died the next day.

The interest of the case lies more in the trial than in the killing. Childers was indicted, obtained a change of venue to Doña Ana county, and the case was tried at the April term at Las Cruces, before Judge Parker. At the very opening of the case the discharge of the panel by Judge Parker, because of talk of bribery and other improper influences, created a shock of surprise. The trial jury consisted of all Mexicans but two, and there was strong evidence that these two brought the rest of the jury to favor acquittal in spite of all lack of defense. The statement by one of the Mexican jurors after the trial was: "We did not discuss the evidence. We thought he was guilty, but we were told that he was a very rich man and was going to live here, and that all the ladies in the courtroom were friends of his wife and had come to see him acquitted, and that the judge and the lawyers wanted us to acquit him. We are very sorry we were mistaken." This is said to have been the first trial on record in New Mexico where the defendant pleaded self-defense and did



not take the stand in his own behalf. Childers came to the Territory from Texas, and after the trial returned to that state.

March 10, 1884, Kit Joy, A. M. (alias "Mitch") Lee, Frank Taggart, George W. Cleveland (negro), all train robbers; Carlos Chavez, a murderer under death sentence, and Spencer, a horse-thief, escaped from the jail at Silver City. They got horses from the Elephant corral, but were pursued and overtaken by officers and citizens, two miles and a half north of town, and a desperate battle ensued. Chavez and Cleveland were killed outright, Lee was fatally wounded, and Taggart and Spencer taken prisoners. Joseph N. Lafferr, one of the pursuing party, was killed by Kit Joy, who escaped. In a hold-up of a train, a short time previous, Lee had killed Engineer Webster, and due to the feeling aroused by this the crowd lynched Lee and Taggart before they returned to Silver City. Spencer was brought back to jail. Joy, the only one who escaped, was son of a resident of Socorro county, and had been a member of Billy the Kid's gang. On March 22 he was captured and brought to jail. His trial was held in Sierra county, on change of venue, and he was convicted of murder in the second degree and sent to the penitentiary for life.

The trial of Thomas Ketchum, train robber, excited much interest and was notable for the legal point involved. The trial was held before Judge W. J. Mills at Clayton, September 4, 1899, and the prosecution was directed by Jeremiah Leahy, of Raton. He was indicted for having held up a train on the Colorado and Southern Railroad in Union county on the night of August 16, and having assaulted Charles P. Drew, the Wells-Fargo Company express messenger. He shot the mail clerk, Fred Bartlett, and was only driven from the scene on the appearance of Conductor Frank E. Harrington, who fired a charge of buckshot, wounding Ketchum in the right arm. Ketchum's wound caused him to faint several times during the night, and though he made his escape, he was captured the next morning by a freight crew. His trial resulted in his conviction, and he was given the death penalty according to law. Execution followed in April, 1900, at Clayton, and his head was pulled off by reason of the long drop and his weight.

"Black Jack" Ketchum, as this bandit was known, was the first to be sentenced to death under the New Mexico statutes for train robbery, and his case was appealed to the Supreme Court, not because his guilt was not clearly established, but because the law under which he was convicted was alleged to be excessively severe. The legislature was in session shortly after his conviction, and a petition was sent to that body praying for a change of the penalty to a term of imprisonment. The law under which conviction resulted had been enacted in 1887, and in Justice Parker's opinion accompanying the decision of the Supreme Court affirming the verdict of the lower court he says: "The act under which the defendant was convicted was passed in 1887 and has been on the statute books unchallenged by the people of the Territory ever since that time. It has evidently met with the approval of the people and has not been deemed by them cruel on account of its severity. \* \* \* In the case at bar it is a matter of current history that, while he was the lone robber, the defendant shot the mail clerk through the face and the conductor through the arm (having shot the conductor after he himself had been wounded), and only desisted from the attack upon the train when he was shot through the arm by the

conductor." The court held that the statute was not cruel nor unusual within the meaning of the eighth amendment to the constitution of the United States.

Ketchum had also been implicated in other robberies and murders, so that he deserved the most condign punishment. He was a member of a notorious gang of train robbers, and his death and the death and sentence to prison of several others broke up the gang. On the night of July 11, 1899, his brother, Sam Ketchum, William H. McGinnis and G. W. Franks had held up the same train at the same point in Union county. They failed to get any money because the express messenger had removed the money from the safe and thrown it in the coal box. A posse, under the United States marshal, under telegraphic direction from the attorney general of the United States, followed the robbers to Turkey canyon, ten miles west of Cimarron, where, just before dusk on July 16, a pitched battle was fought. McGinnis shot one of the posse, Wilson Elliott, and soon after Edward Farr fell dead, shot through the heart. Two other members of the posse were wounded, and both Ketchum and McGinnis were wounded, the former mortally. McGinnis escaped, but was captured by the sheriff of Eddy county, after having wounded one of his pursuers and also an old man whom he suspected of having betrayed his whereabouts. McGinnis was indicted in Colfax county, September 19, for the murder of Edward Farr, and on October 7 the jury returned a verdict of murder in the second degree, sentencing him to the penitentiary for life. It was proved that he had assaulted the fireman and express messenger with deadly weapons, that he and his confederates fired many shots into both sides of the train, and that they entered the combination baggage and express car and dynamited the safe and secured valuable express matter. This case was also appealed, but the verdict of the district court was sustained. McGinnis is now serving in the penitentiary. Franks, the other bandit, who escaped from the fight at Turkey canyon, and whose real name was probably William Carver, was killed near Sonora, Mexico, in 1902, so that out of the gang three are dead and one is in prison. 7





**Mexican School, with Teacher and School Directors**  
Eighteen miles from Albuquerque



**Las Vegas Normal College**

## EDUCATION

While the first project looking toward the establishment of anything like a general educational system in New Mexico followed the Mexican declaration of independence, a few private schools had been established in the province prior to that time. Just where these were located or who were responsible for them is not known; but that there were such schools is apparent from the fact that the children of various wealthy Mexicans were able to receive a tolerable education in Spanish without being compelled to leave the province. As early as the year 1800 Don Geronimo Becerra had a private school at his home in Abiquiu, and among his pupils were Antonio Jose Martinez, afterward curate at Taos, and his brother, Pascual Martinez. Soon after the completion of his education and admission to the priesthood, Fr. Martinez opened a private school in connection with his religious work at Taos. About the same time the priest then in charge of the mission at or near Mora instructed a small class. But in both these schools it is evident, from all that can now be learned, that practically nothing beyond reading, writing and the simplest rudiments of mathematics were taught. The children, and even the parents of those days, were utterly lacking in geographical or historical knowledge. That the teachers themselves were unqualified to give instruction beyond these simple studies is exhibited by the fact that so prominent a personage as a high church authority in Santa Fé, as late as 1850, inquired of an American official if Europe was not a province of Spain.

On April 27, 1822, seven months after the Mexican declaration of independence, the "provincial deputation," or legislative body of New Mexico, adopted a resolution that "the said ayuntamientos (town councils) be officially notified to complete the formation of primary public schools, as soon as possible, according to the circumstances of each community." Any schools organized in pursuance of this legislative resolution, which, in itself, permitted but did not compel the organization of local schools, were maintained under the direction of the Roman Catholic clergy. The church was all-powerful, and no native inhabitant thought of such a thing as separating education and religion. The truth is that the priests were fearful of the results of popular education among the illiterate masses, disobedience and heresy being easily bred of enlightenment. The government was more of a military-religious hierarchy than a coalition of church and state. Furthermore, conditions were such that practically nothing could be done to carry into effect the provincial resolution, and the poor remained in as profound ignorance as ever. But the sons of wealthy parents were, in many instances, sent to eastern schools—St. Louis, Notre Dame, and even as far east as New York. Those who preferred a strictly Spanish education went to Durango, the headquarters of the church.

Soon after the American occupation and the organization of civil government under General Kearny, a few private schools were established by Americans. In 1852 a Mrs. Howe, the wife of an officer in the United States army, opened an English school in Santa Fé. On January 1, 1853, the Catholic Sisters of Loretto established their school in Santa Fé, naming it "Academy of Our Lady of Light." Their school at Mora was founded in 1864 and that at Las Vegas in 1869.

Mr. Davis, in his "El Gringo," written about 1855, declares that "the standard of education in New Mexico is at a very low ebb, and there is a larger number of persons who cannot read and write than in any other Territory of the Union. The census of 1850 shows a population of 61,547 inhabitants, of whom 25,089 are returned as being unable to read and write. I feel confident that this ratio is too low, and that the number may be safely set down at one-half the whole population who cannot read their catechisms and write their names. The number attending school is given as 460, which is about one scholar to every one hundred and twenty-five inhabitants. This exhibits a fearful amount of ignorance among the people, and is enough to make us question the propriety of entrusting them with the power to make their own laws. It was always the policy of Spain and Mexico to keep her people in ignorance, and so far as New Mexico is concerned they seem to have carried out the system with singular faithfulness; and in no country in the world that lays the least claim to civilization has general education and a cultivation of the arts been so entirely neglected."

The first attempted legislation pertaining to education following American control was that of 1855, when a bill providing for the establishment of common schools, supported by taxation, was introduced in the legislature, leaving its acceptance to the various counties. The manner in which this proposal was received can be best appreciated when it is known that the counties of Taos, Rio Arriba, Santa Ana and Socorro, comprising the greater portion of the Territory, rejected the measure by the overwhelming vote of 4,981 to 35. This law provided that every male inhabitant whose property, real and personal, did not exceed \$250 in value should pay into the school fund the sum of one dollar per annum. When property was valued in excess of that amount the tax was at the rate of one dollar for each thousand dollars in excess of the first named sum; but no tax was collectible upon amounts in excess of \$50,000. It was provided that the board of education should be composed of "one person of the greatest ability, learning and integrity from each precinct," and the probate judge, who should preside over the board.

A joint memorial from the legislature to the national Congress, December 29, 1857, recited that "the youth of our Territory are entirely without the means of education, except at an enormous expense, which is within the power of very few of our citizens to sustain; that we see no means for many years to effect a change for the better education of our children except through the aid of Congress. We would therefore respectfully ask that a fund of \$500,000 be appropriated for the benefit of the cause of public education in this Territory." The federal government paid no attention to this or subsequent requests for financial aid until the establishment of the existing territorial schools.

In 1859 St. Michael's College in Santa Fé, a Roman Catholic school

for boys, was established by the Christian Brothers, and has been maintained with increasing success to the present time.

The legislature of 1859-60 passed a law providing that justices of the peace should appoint annually in each plaza of their respective precincts a person capable of teaching the children of such place the first rudiments of learning. The teachers were entitled to fifty cents per month for each pupil, the parents to furnish the necessary books and wood for fuel. If parents refused or neglected to send their children to school, they should be notified a second time to do so; and if they then failed to comply with the law they were liable to a fine of five dollars. But parents were exempted from the operation of this law for four reasons: "First, that the parent will take under his own charge, with all possible diligence, the teaching of his own children. Second, that he has the children under the care of another person, who can instruct them more conveniently and will be diligent in so doing. Third, that necessity compels him to employ them in the flocks or at other employment incompatible with their attending school. Fourth, that the pupils are not under his charge—i.e., if they are bound out to another person under the law of master and servants."

The legislature of 1863 passed an act creating a territorial board of education, to consist of the governor, the secretary of the Territory, the judges of the Supreme Court, and the bishop of New Mexico. The act created the office of territorial superintendent of schools, to be appointed by the governor. This law was afterward amended so that the judges of probate in the various counties were also county superintendents of schools, and the justices of the peace were superintendents of the schools in their several districts. If any parent or guardian was unable to furnish his children with the necessary books, paper, ink or wood, or was too poor to pay the fifty cents per pupil each month required by law, he was exempted from the provisions of the law.

The law passed in January, 1867, besides effecting the changes just mentioned, contained this resolution: "Whereas education is one of the branches of the greatest importance as regards progress, therefore an appeal is hereby made to the patriotism of every person interested in the welfare of the Territory of New Mexico to co-operate in so laudable an object, and the judges of probate are hereby required \* \* \* to appoint a commission \* \* \* to open a voluntary subscription among the persons of wealth of their county, and the proceeds arising therefrom shall be used for the education of such children as those whose parents or guardians, from their poverty, are unable to pay the quota designated for educational purposes."

In 1872 the boards of supervisors became directors of the schools in their respective counties, and they must be "fit and competent and of good repute." Who was to pass upon their qualifications is not stated in the law. Four years later the chairman of the board of county commissioners, organized under a law of that year, took the place of the probate judge as chairman of the school commissioners.

One of the most remarkable statutes pertaining to education was passed in 1889, outlining the sole qualification for teachers as follows: "That hereafter in this Territory no person who cannot read and write sufficiently to keep his own record in either the English or Spanish lan-

guages shall be eligible to be elected or appointed to hold the office of school teacher, school director," and several other offices.

The condition of the educational means in the Territory in 1884 may be judged by the following statement made by W. S. Burke, superintendent of schools for Bernalillo county, in a report published by him January 1, 1885:

"The law (the school law) has never been printed in any popular form, and it is probable that a majority of the people of the county, especially those of the poorer classes in the country, have never read it nor seen it, and their only knowledge of its provisions has probably been derived from conversations with some neighbor who heard something about it when in town. Since it devolves upon the people of the several districts to carry the provisions of the law into effect, and since the people of a considerable number of the districts at least have had no means of learning the terms of the act, it is not strange that many of the provisions of the statute are as yet inoperative.

"There is not a school house in the county owned by the district. All the schools thus far organized are conducted in rented rooms or in buildings owned by churches and societies.

"It was apprehended by many that great difficulty would be experienced in the establishment of a modern public school system in New Mexico, through the hostility of the native people to this American innovation upon their ancient customs. I take great pleasure in saying, to the credit of New Mexico, that so far, at least, as Bernalillo county is concerned, all such fears are utterly groundless, and I have found the people, without any exceptions, not only willing, but anxious to secure the establishment of public schools in every neighborhood in the county. I have had the earnest and interested co-operation of the people in every district that I have organized. I find an urgent demand for school facilities far in excess of what can be supplied with our present available resources, and were the necessary funds at command, the number of public schools in the county, and the aggregate attendance, could be increased 100 per cent within the next six months. I had been led to believe that a very strong prejudice against common schools, and also against the teaching of the English language, would be met with among all the native people, but I am gratified to be able to say that I have thus far met with no vestige of any such prejudice, in any part of the county, but, on the contrary, have found the people everywhere alive to the importance of education, and especially education in English. No better evidence of the truth of this could be given than is to be found in the fact that the district directors are always willing to pay a higher price to a teacher who is able to instruct the children in English than one who understands Spanish only."

In 1880, according to the census returns, the number of public schools in the Territory was 162, but only 46 school buildings, and the average attendance was 3,150. Sixty per cent of the inhabitants of the Territory over ten years old were unable to read.

Until 1891 the school code in New Mexico was worse than unsatisfactory. It was vicious. For years every attempt to establish a well-regulated educational system, supported by general tax, failed in the legislatures, the majority in which was invariably of native Mexican inhabitants.



In the legislatures of 1876, 1878 and 1880 reasonably fair educational bills providing for the support of public schools by tax were defeated. In 1878, through the influence of the Roman Catholic clergy, the legislature passed an act incorporating the Jesuit Fathers, or Society of Jesus, of New Mexico, conferring upon them general powers to establish educational institutions anywhere they pleased throughout the Territory, and the right to own an indefinite amount of property, all forever free from taxation. This iniquitous measure was vetoed by Governor Axtell, passed over his veto, and annulled by unanimous vote of Congress, February 4, 1879. The incidents connected with the veto of this measure were dramatic. In his message to the legislature Governor Axtell used the following language:

"I requested the attorney general of the Territory, Hon. William Breeden, to prepare a careful opinion upon the law in the case. This opinion I make part of my message and lay it in full before you. Attorney General Breeden says: 'The bill, in my opinion, is clearly in violation of the said law of the United States.'

"This opinion I fully endorse, and if you pass the bill over General Breeden's opinion and my veto you will do so with your eyes open, in violation of your oaths of office and the laws of the United States. There are many other objections to the bill, a few only of which I will briefly notice.

"It is difficult to decide whether the man who seeks to establish the society or the society which he seeks to establish is the worse. Both are so bad you cannot decide between them. This Neapolitan adventurer, Gasparri, teaches publicly that his dogmas and assertions are superior to the statutes of the United States and the laws of the Territory. No doctrine or teaching can be more dangerous to good government than this, especially in Mexico, where the mass of the people are ignorant. He also by his writings and harangues endeavors to excite animosities and to stimulate the people towards those lawfully exercising legal authority over them to acts of violence. He comes here while the legislative assembly is in session and lobbies in the most brazen and shameless manner to defeat needed and wholesome laws, and to force through bills antagonistic to the laws of the United States.

"Two years ago he intruded himself into the lower house and remained within the bar and by the speaker's side till he forced the passage of this bill, but at that session it was defeated by an honest legislative council. He now presents himself again, and being fully informed that what he asks is contrary to the laws of the United States, urges you to violate your oaths and pass the bill.

"The society which he seeks to establish in New Mexico is worthy of just such a leader. It has been denounced time and again by the head of the Catholic church and justly expelled from the most enlightened countries of Europe.

"But apart from the bad character of the society and the dangerous character of its chief, the bill is especially objectionable because it does not require that the incorporators shall be citizens of the United States nor residents of New Mexico. The number who may hereafter associate with them is unlimited, and they might all be aliens and reside abroad. Again, the bill permits these people to own, free of taxation, an unlimited amount of property. They are permitted to own all kinds of real and personal

estate, in all parts of the Territory, and are not subject to any supervision by the legislature nor required to pay anything towards the support of the government. The provisions of the bill are contrary to public policy and in direct violation of the laws of the United States, and cannot receive my approval."

The sensation accompanying the veto and the action of Congress was of long duration. The newspapers of the Territory were, as a rule, bitter in their denunciation of the Roman Catholic church authorities for their successful efforts to kill all general educational legislation, followed by their attempt to foist upon the community the iniquitous measure referred to. So wrought up did the church authorities become that on February 8, 1879, four days after Congress had finally checked them in their plans, the vicar general of the see of Santa Fé issued a manifesto which he styled an "official notice to the press of New Mexico," in which he warned the territorial newspapers not to take the liberty of offering adverse criticism on the "teaching of sectarian dogmas at public expense." But in spite of this warning, the press of New Mexico, instead of subsiding, continued to publish caustic criticisms until the church authorities, realizing that they were gaining nothing, but risking much, by continuing their campaign, retired from the field, vanquished.

It was not until 1882 that the legislature authorized the organization of school districts and the support of schools by public money. And the common school system was not firmly established until the notable law of February 12, 1891, was enacted. This measure created the New Mexico board of education, to consist of the governor, the superintendent of public instruction (an office created by the same act), the president of St. Michael's College of Santa Fé, the president of the University at Albuquerque and the president of the College of Agriculture and Mechanic Arts.

This law also provided for the election of county superintendents of schools in each county, and elections for three school directors in each district, to be held on the second Monday in May, 1891. The superintendent of public instruction was directed by the law to visit each county at least once each year for the purpose of holding teachers' institutes, which should continue for at least two days in each county, and to recommend the most suitable text-books in English or in English and Spanish.

The following were declared to be temporary funds for common school purposes: The proceeds of all sales of intestate estates which escheat to the Territory; all forfeitures or recoveries on bonds of county, precinct or territorial school officers; the proceeds of all fines collected for violation of the penal laws; the proceeds of the sales of lost goods or estrays, and all moneys arising from licenses imposed upon wholesale and retail liquor dealers, distilleries, breweries and wine presses. It further provided for the levying of a poll tax of one dollar upon all voters, for school purposes.

The board of education was vested with exclusive power in the matter of prescribing the text-books to be used in all the schools of the Territory. The county superintendents were directed to hold annually "normal institutes" for the instruction of teachers and those desiring to teach, such institutes to be conducted by some graduate of a state or territorial normal school or other state or territorial educational institution. The second Friday in March in each year was set apart as Arbor day, a holiday in all schools, to be observed by the planting of forest trees for the benefit and

adornment of public and private grounds. The remaining provisions of this general school law are, for the greater part, similar to the school laws of most of the states.

In the fifteenth annual report of the superintendent of public instruction, issued December, 1905, Professor Hadley gives some graphic comparisons of the progress made in education since the present school system was established by the law of 1891.

Beginning with territorial institutions in 1890, he says: "There were none, except three on paper. Since then the two Normal Schools, the Military Institute, the School for the Deaf and that for the Blind have been created, and all of these, except the last two, have been developed into a very respectable condition of efficiency. For instance, the university has a full college course, fifteen professors and instructors, one hundred and seventy-five students enrolled, \$23,000 annual income, library of 6,000 volumes, buildings and equipment worth \$100,000. In 1890 the Territory was divided into sixteen counties, and there were very few established common schools. In 1905 the Territory consists of twenty-five counties, each having a superintendent of schools, and annually a teachers' institute. In the common schools of the Territory over 40,000 pupils are enrolled, and of those enrolled nearly every one can speak the English language.

"In 1890 the city of Albuquerque had absolutely no public school property. Whilst not without considerable educational facilities, these were chiefly furnished by different religious bodies, and were sustained by tuition and benevolent contributions. For certain educational privileges free from tuition charges, the small amount of public school funds was turned over to these schools. In 1905 the city owns four eight-room brick ward school buildings, one eight-room brick high school building, and one small frame building. Forty teachers and two regular substitute teachers, besides a superintendent, are employed. The school enumeration is 3,252, and the enrollment in the public schools is 1,800. The annual income for school purposes is \$40,000, and the valuation of property is \$150,000. The schools are modern in character, and compare favorably with the best of schools in cities of the same size in the states.

"Contiguous to Albuquerque, but not under the city's jurisdiction, is old Albuquerque, that has erected since 1900 a four-room brick school house, and another two-room building is about completed. Six teachers are employed; school enumeration, 807; enrollment, 300; receipts last year, \$3,400, and expenditures, \$2,900. Also, contiguous to Albuquerque is Barelás with one two-room house, and two other houses are rented. Five teachers are employed. The school enumeration is 503; enrollment, 250; receipts last year were \$4,000; expenditures, \$2,300.

"It is almost impossible to secure any information about the facilities for public education possessed by Las Vegas in 1890. Subscription schools monopolized the business; no public school building of any kind or description; a public school taught in a rented building for a few months in that year.

"In 1905 Las Vegas has a thoroughly organized graded school system, taught by seventeen teachers, besides a superintendent. A high school with a regular four years' course and taught by a principal and three regular assistants is sustained. It occupies five rooms and an office in one of the buildings. An excellent physical and chemical laboratory is now being

equipped. It is expected that a class of ten will be graduated from the high school in 1906. Las Vegas has two fine stone school buildings, containing twenty-two rooms, including offices, and costing \$20,000 and \$30,000, respectively. These buildings are modern, well arranged and well furnished, and are heated by steam and hot water. The organization and courses of study are up to date, and the schools compare favorably with those of any part of the country.

"Santa Fé had no public schools or public school building in 1890. What education the children received at that time was furnished by private and church schools, and these failed to reach the masses. The records show that the first meeting held by a Santa Fé board of education was on May 2, 1892.

"In 1905 Santa Fé has an excellent graded school system, including a public kindergarten, the usual eight grades, and a four years' high school. These are presided over by a superintendent, a principal of the high school, principals of the ward schools, and grade teachers, twelve teachers in all.

"The high school each year sends out graduates who are able to enter colleges and universities without examination. The city owns two ward school buildings of two rooms each, and at the present writing a combined grade and high school building, capable of accommodating 500 pupils, is nearly completed. This building is architecturally beautiful, and is constructed and equipped in the most modern manner. The building and grounds are worth \$50,000.

"In 1890 only two official acts were recorded in the office of the county superintendent of Doña Ana county. In 1895 Doña Ana county had thirty-one school districts, twenty-eight teachers, enumeration of 3,699, and few school houses. In 1897 Otero county was taken off Doña Ana county, taking fourteen school districts, among them Tularosa, La Luz, Mescalero, etc. Yet Doña Ana county in 1905 contains twelve school districts with an enumeration of 4,212. Las Cruces has three school buildings, having just completed an eight-room brick building, modern in all respects, at a cost of \$16,000. About ninety per cent of the poll tax is collected. Great advance is noted along all lines. The receipts for school purposes during the year were \$22,503.04.

"For San Juan county the enumeration in 1890 was 659; in 1905, 1,721; teachers employed in 1890, 19; in 1905, 28; average salary per month in 1890, \$35; in 1905, \$50; length of term in 1890, 3½ months; in 1905, 5½ months; value of school property in 1890, \$1,900; in 1905, \$14,150. Included in the above are the towns of Aztec and Farmington, which maintain their schools eight months in the year, have eight teachers, and school property worth \$9,000.

"Whereas in 1890 Chaves county contained but one district, one school building, and not to exceed 150 pupils, in 1905 it has twenty-one districts, forty-six teachers employed, and 2,961 children enrolled in public schools. The city of Roswell has three school buildings, costing \$41,000, and a finely graded system of schools, modern in every respect. The village of Hagerman has a fine, modern building of five rooms. Dexter district has completed and is now occupying a two-story brick school building. Three other districts are preparing to issue bonds for the purpose of erecting new buildings. At Roswell is located the excellent and fully equipped Military Institute. The Pecos Valley contains also the good schools of Portales,

Dayton, Artesia and Carlsbad. These have all grown up within the past fifteen years, and some of them, notably those of Portales and Artesia, within five years. Similarly cheering notice might be made of Raton, Santa Rosa, Alamogordo, Deming, Silver City, Socorro, Gallup and many smaller places.

"Where fifteen years ago scarcely a suggestion of a school building existed, today many beautiful, modern, well-equipped ones are found. Some of these are good specimens of artistic design, and they generally rank well when compared with those of the states under similar circumstances. Santa Fé is just now putting the finishing touches on a large building, beautiful without and commodious within. It would be an ornament to any city of equal size."

In addition to the information used by Professor Hadley in illustrating the progress made during the past fifteen years, the following mention of selected localities will indicate the condition of education in typical parts of the Territory. With reference to the metropolis of the Territory, the public school system of Albuquerque was organized under the law of 1891 in the fall of that year, with Professor C. E. Hodgin as the first superintendent. The school census for that year showed the number of pupils of school age in the city to be 948, with a total enrollment of 660 and an average daily attendance of 375. Of the total number enrolled but fifty were of Mexican parentage. Three buildings were erected, one located at the corner of North Edith street and Tijeras road, one at the corner of South Edith street and Highland avenue, and one on Heining avenue, between Fourth and Fifth streets. The system developed rapidly under the supervision of Professor Hodgin, and the work of his successors is illustrated by the fact that the schools today are the equal of any city of the size of Albuquerque west of the Missouri river. There are now five large buildings. Thirty thousand dollars was expended in making extensions to four of the buildings in 1905-6.

The beginnings of education in Silver City were a paid school taught in 1872 by C. M. Shannon, and in the following year a subscription school free to all, which continued until the spring of 1882. In the meantime the citizens had constructed the first free public school building at a cost of \$5,000, which was commenced in 1878 and entirely finished in 1880, and, with some additions is still in use. All these facilities were provided by subscription from the people.

The tardiness of educational means in Socorro county is illustrated by the fact that the first public school building was erected in 1883 at Kelly, a Miss McAvey being the first teacher employed. At Socorro it was found necessary to organize and incorporate the Union School Company, in the late eighties, which built a brick school house at a cost of \$10,000 and afterward turned it over to the school district.

In nearly all communities the absence of an effective general school system made the establishment of schools dependent upon the enterprise of the citizens. At the town of Deming in 1882 the railroad made a gift of six lots, and with \$700 raised among the citizens a schoolhouse was built, and school was kept by a teacher paid three dollars a month. Then, in 1884, Frank Thurmand and John Corbett raised \$1,700 for a larger building, and in 1892 the town voted bonds for \$12,500 to construct a two-story six-room schoolhouse. Four thousand dollars have since been ex-

pended in additions, and with the property free from debt and valued at \$25,000, with 400 pupils and eight teachers, the progress of education in this town is not less surprising than gratifying.

At Roswell it is related that Miss Lena Tucker, now Mrs. William Chisum, went out among the cowboys and collected sufficient money to build the first schoolhouse in that town. That was in 1884, and the building was erected in what is now Mexican town. These and many other instances that might be given indicate the difficulties that had to be overcome before a really efficient school system could be established in the Territory.

Hiram Hadley, superintendent of public instruction for New Mexico, was born in Clinton county, Ohio, in 1833; was brought up on a farm and attended such common schools as the country afforded, afterwards attending Haverford College, Pennsylvania, and Earham College, Indiana. He did not complete the full course at either, but in 1885 the latter gave him the honorary degree of master of arts. He began teaching in 1850 and has been continuously in educational work since that time, with a year off occasionally. In 1865 he organized in Richmond, Indiana, Hadley's Normal Academy, a very successful school. In the building up of the school system of Indiana he was an active factor.

From 1868 to 1878 he was connected with the school book business of Scribner, Armstrong & Co., New York, being stationed in Chicago. The great Chicago fire of 1871 made him penniless. In 1880 he returned to teaching by establishing Hadley's Classical Academy in Indianapolis, which was very successful. In 1887 he came to New Mexico to be nearer his invalid son, the late Walter C. Hadley. In 1888, in company with a few citizens of Las Cruces, New Mexico, he incorporated Las Cruces College, was chosen its president, and assumed the entire management and financial responsibility. He and his friends began working to get the Agricultural College established at Las Cruces. They were successful, and in 1890 this college was opened, Mr. Hadley being elected president. Las Cruces College was discontinued at that time and its students composed the entering class of the Agricultural College. In 1894 the Democrats gained control of the Agricultural College, and Mr. Hadley not being a Democrat, was dropped from the presidency. He was immediately elected acting president of the Territorial University at Albuquerque. After three years of satisfactory service he resigned and spent the following year on his farm.

In 1898 he accepted the position of professor of history and philosophy in the Agricultural College, which he occupied until he was appointed superintendent of public instruction by Governor Miguel A. Otero in March, 1905, which position he now holds.

Mr. Hadley has been chosen president of the New Mexico Territorial Educational Association three times, and has been active in all educational enterprises. He is the author of Hadley's "Language Lessons," the pioneer book in methods of teaching language to children.

#### UNIVERSITY.

By an act passed by the territorial legislature February 28, 1889, there was "created and established within and for the Territory of New Mexico



*Hiram Hadley.*





an institution of learning, to be known as 'The University of New Mexico.' Said institution is hereby located at or near the town of Albuquerque, in the county of Bernalillo, within two miles north of Railroad avenue in said town."

"The management and control of said university, the care and preservation of all property, the erection and construction of all buildings, and the disbursement and expenditure of all moneys appropriated by this act" were vested in a board of five regents, qualified voters and owners of real estate in the Territory. The first board of regents were: G. W. Mylert, Henry L. Waldo, Mariano S. Otero, Elias S. Stover, Frank W. Clancy. The regents who have been continued from the beginning are E. S. Stover, F. W. Clancy and H. L. Waldo. Others whose names have appeared since are W. B. Childers, J. H. Wroth, J. C. Armijo and E. V. Chaves.

The first faculty elected consisted of, president, E. E. Stover; principal, George S. Ramsey; Alcinda L. Morrow, Marshall R. Gaines, Albert B. Cristy, G. R. Stouffer and Andrew Groh. Many changes have since occurred in the faculty. Professor Hiram Hadley was vice-president in charge from 1894 to 1897. Dr. C. L. Herrick, the second president of the institution, served from 1897 to 1901. Upon his resignation, Dr. W. G. Tight was chosen by the regents.

After the passage of the act in the legislature of 1889 creating the university, the first board of regents secured the required amount of land, and began the erection of a large building as soon as the funds were available. The structure, known as Administrative Hall, was completed and accepted by the board in May, 1892.

The Normal School of the university was the first to be organized, and was opened on June 15, 1892, for a summer term. In September of the same year the Preparatory School was opened, and in November of 1893 the Commercial School was added.

In 1896 a gymnasium was erected and equipped with as much apparatus as the funds would permit.

The Hadley Laboratory, largely the gift of Mrs. Walter C. Hadley, supplemented by donations from friends in Albuquerque and in other parts of the Territory, was erected in 1899. This building affords accommodations for the science work with a special view to climatological investigations, a feature of research desired by Mrs. Hadley.

Dormitory facilities were made possible in 1902, when rooms for men were fitted up on the second floor of the main building, while a cottage on the campus was made into a girls' dormitory. In 1904 the men's quarters were moved to a separate building, situated quite near the campus.

There has taken place a marked improvement on the university campus during the past four years. There is now in operation a complete irrigation system consisting of a two hundred and fifty foot well with a twenty-foot windmill, tanks holding seven thousand gallons, and a reservoir with a capacity of a quarter of a million gallons. This system has made possible the growth of hundreds of trees and plants. Drives have been laid out with the best landscape effect, and the whole makes a beautiful park of a once barren mesa.

The courses of study and the departments have been extended from time to time during the past twelve years, until now the institution offers full preparatory and college courses of four years each. The Normal

School gives one year's professional course in addition to four years of academic work. The School of Engineering offers two complete years of technical study.

Since the beginning the university has graduated 116 students. The alumni association was organized in 1894 and has held a meeting and a banquet each year.

#### NORMAL UNIVERSITY.

The New Mexico Normal University, at Las Vegas, had its origin in an act of the territorial legislature in 1893. But the erection of Normal Hall was not begun until 1897 and class work commenced October 3, 1898. Edgar L. Hewitt, as president, and four instructors were the first faculty. The first name, "The New Mexico Normal School," was changed in 1899 by legislative act to "The New Mexico Normal University."

The grounds of the Normal University comprise about four acres of an eminence in the central part of the city and are easy of access from all directions. Normal Hall, the only building erected up to the present, is a large four-story, brown-stone structure of the Romanesque style of architecture, and commands a view of the western portion of the city, the valley of the Gallinas and the mountains beyond, conspicuous among which is the bold crown of Hermit's Peak, a mountain twelve thousand feet high.

The purpose and scope of this institution are to furnish facilities, first of all, for normal training to the aspirants for places as teachers in the schools of the Territory. But also, owing to a lack of proper educational opportunities in many local schools, several separate departments are maintained in which complete courses of study, from the first grade in public school through the work of high school, may be obtained.

Dr. Edmund J. Vert, who succeeded in June, 1903, the first president of the institution, Professor Hewitt, came here from Stevens' Point, Wisconsin, where he had been superintendent of the public schools. There are eleven other members of the faculty.

#### SCHOOL OF MINES.

The New Mexico School of Mines, which, rather naturally, ranks first among the Territory's technical schools, has been in existence about ten years. An act of the legislature in 1889 authorized its establishment. Under an act of February 28, 1891, a board of trustees was appointed and an organization effected.

Early in 1892 a circular of information regarding the New Mexico School of Mines, at Socorro, New Mexico, was issued by the board of trustees. In this circular the aims of the school were fully set forth. The following year a president was chosen and students in chemistry were admitted, but it was not until the autumn of 1895 that the mining school was really opened.

The legislative act creating it provides that the School of Mines shall be supported by an annual tax of one-fifth of a mill on all taxable property. This levy was increased by the legislature in 1899 to twenty-seven and one-half one-hundredths of a mill. The thirty-fourth general assembly in 1901 recognized the growing importance of the school by further in-

creasing the tax levy to thirty-three one-hundredths of a mill. In 1903 the thirty-fifth general assembly raised the millage to forty-five one-hundredths of a mill. This, with greatly increased assessed valuation of property, doubled the income of the school over that of the previous year.

In 1891 a special appropriation of four thousand dollars was made for the partial equipment of the chemical and metallurgical laboratories, and in 1893 another special appropriation of \$31,420 was made to enable the School of Mines to be organized in accordance with the policy outlined by the act creating the institution.

By act of Congress, approved June 21, 1893, the New Mexico School of Mines received for its share of certain grants of land fifty thousand acres for its support and maintenance.

The New Mexico School of Mines is located at Socorro, the capital of Socorro county, in the central part of the commonwealth. The location is on the main line of the Atchison, Topeka & Santa Fé railroad, seventy-five miles south of Albuquerque and one hundred and eighty miles north of El Paso. The Magdalena branch of the Santa Fé railway starts from this place.

The School of Mines is not merely a training school for mining engineers and those desiring technical equipment in the various courses which it offers. Faculty and students have directed their attention to original work in various directions and have given practical contributions to science. For several years the school has been conducting a geological survey in the Territory. At the Louisiana Purchase Exposition in 1904 the major part of the New Mexico mineral exhibit consisted of the collections prepared by the School of Mines.

The first attempt ever made to establish a practical mining laboratory in any educational institution by incorporating an actual mine to work in is believed to be that begun in the summer of 1902 by the New Mexico School of Mines. At that time the possibilities were first considered for the use of the Rio Grande Smelting Works at Socorro as a laboratory of practical metallurgy. As a companion experiment in mining education a laboratory for practical mining was thought of. Considerable time was spent in trying to find a suitable property upon which a model mine could be developed which would likely grow into a paying proposition and which at the same time would come within the limits of the school's purse. After thorough examination a small but promising property was finally acquired and plans made for developing it.

Soon afterward a larger and more attractive mine was found to be on the market and only a short distance from the college campus. Mainly through the generosity of Mr. W. H. Byerts, one of Socorro's prominent citizens, this property, with all its appointments, has come into absolute possession of the school. This property was long known as the Torrance mine. Included in the deal is a bond and lease for a period of years on five adjoining properties.

Exceptional opportunities are thus offered students to carry on actual mining operations. Sinking of shafts, driving levels, constructing winzes, advancing development work and stoping are included. Timbering in its various phases is undertaken. Complete surveys are made and maps drawn. The mine is thoroughly sampled and the samples assayed. The geological conditions are carefully studied, both underground and on the surface.

There is practice in reporting on mining properties and the evaluation of the ore bodies. Plans and specifications are drawn up for all appurtenances connected with the operation of the mine under varied conditions and in relations with the milling. All other work of an engineering character receives attention.

#### MILITARY INSTITUTE.

The New Mexico Military Institute at Roswell is owned and partially supported by the Territory of New Mexico. The legislative act creating it was passed February 23, 1893, changing the name of Goss Military Institute, previously established. It was first opened to students September 6, 1898, and has from the very first prospered beyond all expectations.

The seventh year was closed May 24, 1905, at which time twelve young men were awarded diplomas as graduates. Although the corps of cadets was no larger during the last year than the one before, every room was occupied and the school work was greatly improved. On account of limited living quarters only one hundred and twenty cadets can be accommodated at one time, and this limitation caused many applicants to be rejected last year, especially during the second term.

This institution, of academic grade and affording military discipline, is a very important link in the state institutions, being located in a part of the Territory where its advantages are appreciated and supplement the common school system. Colonel James W. Willson is superintendent of the institute, with seven teachers under his direction.

Colonel J. W. Willson is principal of the New Mexico Military Institute at Roswell and one of the prominent educators of the Territory. A native of Virginia, he was graduated from the Virginia Military Institute, located at Lexington, that state, completing the course there with the class of 1894. He afterward went to West Point, Virginia, where he had charge of the military training school until coming to Roswell on the opening of the New Mexico Military Institute in 1898. He acted as commandant for three years and organized the military department of the school. Colonel James G. Meadors was president of the institution for the first three years of its existence, and this is now the fifth year of Colonel Willson's superintendency. The institution was opened with sixty-five students, a great many of whom were day students. Today the school is a strictly military institute, being the only one of its character in the Southwest. The idea was conceived by Captain J. C. Lea, who succeeded in securing the passage of the first bill through the legislature for the school. Captain George Curry was speaker of the house at that time and was a staunch advocate of the plan, while other friends of the measure were Captain Poe, E. A. Cahoon, Nathan Jaffa and J. O. Cameron. The school has now an enrollment of one hundred and thirty-eight pupils and has made a steady and substantial progress under the superintendency of Colonel Willson, whose thorough preliminary training well qualified him for the position, while his ability has been constantly augmented by experience.

#### COLLEGE OF AGRICULTURE.

Under a law passed by Congress in 1862 the legislature in 1863 passed an act instituting "at or near the city of Santa Fé an industrial college, in

which college the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanical arts \* \* \* in order to promote the liberal and practical education of the industrial classes." The institution described was not created, and it remained for a subsequent act of February 28, 1889, to give the basis for the founding of the New Mexico College of Agriculture and Mechanic Arts.

Under the provisions of this act the college was founded at Mesilla Park in 1891, Professor Hiram Hadley being credited as its first president and founder. His successors have been Professors McCray, beginning in 1894; C. T. Jordan, in 1896; F. W. Sanders, in 1899, and Luther Foster, who has been president since December, 1900, Professor Hadley holding the office during the brief interim.

The college is a United States government institution, but under territorial control, being one of the commonly known "land grant colleges." The act of Congress of 1887 gives \$15,000 per annum for an agricultural experiment station and \$25,000 for the support of the college. Besides, there are 100,000 acres in the grant of land for the support of this institution.

It is the policy to make this institution a part of the common school system by continuing the work from the point where the lower school stops, thus giving an opportunity to become liberally and practically educated within the boundaries of the Territory.

The value of industrial training as a feature of a practical education for the masses is recognized. Shops and laboratories have been provided, in which young men may become familiar with the uses of the different tools required in the principal mechanical industries. Special departments have also been established for young women in domestic science, art and music, so that they may have opportunities to fit themselves for a keener appreciation of the realities and enjoyments of life in the home, the schoolroom or elsewhere. No other institution sends out more reliable stenographers in English and Spanish, and there is a constant demand for this class.

#### ST. MICHAEL'S COLLEGE.

St. Michael's College of Santa Fé, a Catholic institution and the oldest school of higher grade in the Territory, was established in 1859 by Archbishop Lamy. It was incorporated in 1874, and the legislature of 1891 empowered it to grant teachers' certificates to its graduates, acceptable in any county of the Territory. The college is self-supporting and unendowed. The faculty is composed of eight members of the order of Brothers of the Christian Schools. For many years the principal was Brother Botulph, who died during the winter of 1905-06, after an active service in his church of over fifty years and a residence in Santa Fé since 1870. Those named as the incorporators of the institution in the act of January 5, 1874, were Peter Joseph Schneider, "known in religion as Brother Botulph," John Schneider (Brother Dosas), Ferdinand M. Dube (Brother Alnoth), James A. Wagner (Brother Boisil) and Francis Antoni Togler (Brother Gabriel).

## THE SISTERS OF LORETTO.

In a little log hut in the wilds of Kentucky, in 1812, four brave women, under the direction of the saintly Father Nerinckx, founded the Loretto Order, thus beginning the first educational order to originate in America. Through the spirit of sacrifice and unbounded confidence in Providence, for which the Loretines have ever been noted, the first Loretto succeeded far beyond all expectations. The first branch establishment of the order was a little log cottage on the banks of Pottinger's creek, Kentucky. One of the first pupils there was Abraham Lincoln, who as a barefooted boy came each day with his books under his arm to the sisters' school, little dreaming of the great and terrible destiny that awaited him.

The log hut soon gave place to stately academies in almost every portion of the United States. In 1852 the plains were crossed by the Sisters of Loretto on their westward way to Santa Fé, New Mexico. No steam engine had yet furrowed the prairie sea, and many and fearful were the experiences of the sisters on that long three months' journey from Kentucky. The death-dealing savages attacked the caravan more than once, and one sweet young sister died of fright amid the war whoops of the Indians. The government later sent a detachment of soldiers to recover her remains, buried hastily on the prairie, but so fierce were the attacks of the savages that their efforts failed.

When the Academy of the Sisters of Loretto of New Mexico was incorporated by the legislature, January 9, 1874, those named as incorporators were: Joanna Hyden (Mother Mary Magdalena), Mary Lamy (Sister Francisca), Anna Monica Murphy, Mary Jerom, Dolores Perea (Sister Lucia) and Pilar Mora (Sister Ignatia), all of Santa Fé. These were incorporated as the Sisters of Loretto. They were authorized to organize and conduct their then existing academy in Santa Fé under the name of the Academy of Our Lady of Light, and to organize and conduct such other schools and academies as they might deem necessary. All the property of this corporation was by this law forever exempted from taxation.

Loretto Academy at Las Cruces was established in 1870 by Bishop Salpointe. Sister Rosanna was the first superior. She was assisted by four sisters. On the arrival of the sisters at Las Cruces there was no convent, hence they were obliged to take lodging in a house furnished by kind friends till their own humble dwelling could be built. In 1874 Sister Susann was transferred to Taos, and her place was filled by Sister Ignatia, who held the office of superior till 1880, when Sister Praxedes was appointed superior of the academy till 1893, when she was transferred to Florissant, Missouri. Sister Praxedes was succeeded by Sister Rosine, who remained till 1895, after which Sister M. Bernard held the office one year and Sister Inez two years. In 1898 Sister Albertina, the present superior of the institution, took charge. Thus during the last thirty-five years the Sisters of Loretto have labored in Las Cruces—not in vain, for their work has brought forth fruit of which they may well feel proud.

Hundreds of girls have passed from their portals ready to fight life's battles as worthy women, making the world better for their having

lived in it. Today Loretto Academy numbers more than one hundred students, seventy of whom are regular boarders. Mother Praxedes, who is now mother general of the Order of Loretto, and who spent so many years in Las Cruces, looks today with pride on the result of work accomplished. Seventeen sisters are now employed at the Academy.

The Academy of Our Lady of Lourdes, Silver City, was founded in 1883 under the direction of the Sisters of Mercy. The present convent was erected in 1883, soon after the establishment of the school. All the parochial schools of the town are under the same management. They have an average of about two hundred pupils, and six sisters are teaching, besides the superior.

The Albuquerque Academy was organized in Old Albuquerque in 1879 in connection with Colorado College, but after the first year was transferred to the care of the New West Education Commission, established in Chicago, November 3, 1879, for the purpose of planting Christian schools in the western territories. The first home of the school was in an old abode building which stood near the ancient Catholic church of San Felipe Neri, and twenty-six pupils were enrolled for the first term. Two years later it was moved to the new town of Albuquerque, where in 1882 a brick structure of three recitation rooms and an office was erected. In 1888 another room was added, and in 1890 a larger and more commodious building was erected on the highlands three squares east from the railroad station.

In 1879-80 the Presbyterian board of home missions undertook the first work of educating the Indians under contract with the interior department. A Mexican residence, about one mile north of Old Albuquerque, was rented, and J. S. Shearer, of Kansas, was appointed superintendent of the school. The institution grew slowly in favor with the Indians. As the white men began settling more rapidly, the broader-minded of the Indians saw that their only hope of holding their own lay in the preparation of their youth by the education of the hand and the mind. Major B. M. Thomas, agent of the pueblos at that time, used all his influence in favor of the school. In August, 1882, R. W. D. Bryan assumed charge as superintendent, and early in 1884 began the erection of a large building at a cost of a trifle less than \$30,000.

The Educational Association of New Mexico was organized at Santa Fé, December 28-30, 1886. Professor C. E. Hodgin, now dean of the faculty of the University of New Mexico, was chosen president. Its aim, as outlined in the constitution, is to "endeavor to promote the general educational interest in the Territory and establish a friendly and helpful relation among its members." Membership is restricted only to "any resident of the Territory who may be interested in education."

Below are given the various educational incorporations created by the laws of the Territory:

Albuquerque Academy, created by special act of legislature, January 24, 1857.

College of Christian Brothers of New Mexico, Santa Fé, by special act, January 5, 1874.

Curators of the Industrial College of New Mexico, Santa Fé, chartered by special act, January 28, 1863.

Sisters of Loretto, by special act, January 5, 1874.

Those organized under the general incorporation law, with date of charter and capital stock, if any, have been:

- Albuquerque Academy, October 6, 1879; capital stock, \$100,000.
  - Albuquerque Business College, June 15, 1903.
  - Albuquerque College, February 3, 1887.
  - Albuquerque Conservatory of Music, March 30, 1894; \$3,000.
  - Albuquerque Indian School, June 24, 1886; \$100,000.
  - Congregational Church and Academy of Ranches de Atrisco, March 13, 1893.
  - Goss Military Institute, Roswell, October 3, 1891.
  - Las Cruces College, July 14, 1888; \$250,000.
  - Las Vegas Academy, August 4, 1880.
  - Las Vegas College, November 15, 1880.
  - Las Vegas Female College, June 5, 1883.
  - Montevista College, Roswell, February 9, 1901; \$40,000.
  - New Mexico Baptist College, Santa Fé, March 11, 1901.
  - New Mexico School and Infirmary of Psychology and Osteopathy, Las Vegas, November 19, 1900.
  - St. Michael's College, Santa Fé, March 24, 1883.
  - St. Vincent's Sanitarium and Orphans' and Industrial School, Santa Fé, July 10, 1886.
  - San Juan Industrial College, Farmington, May 12, 1890.
  - Santa Fé Academy, July 24, 1878.
  - Santa Fé College, March 5, 1904.
  - Santa Fé Collegiate Institute, October 7, 1889.
  - Santa Fé University Industrial and Agricultural College, December 6, 1870; \$500,000.
  - Silver City College, March 27, 1888.
  - Union School Company, Socorro, September 20, 1889; \$10,000.
  - University of New Mexico, Santa Fé, May 13, 1881.
  - Trustees of the General Endowment Fund of the University of New Mexico, March 26, 1884.
  - White Oaks Academy Association, August 22, 1887; \$10,000.
- Colonel J. Francisco Chaves was born in Los Padillas, Bernalillo county, June 27, 1833. In 1841 he entered the St. Louis University, where he attended a private academy. His education was finished with a two years' course in the College of Physicians and Surgeons in New York. As a soldier Colonel Chaves served under "Kit" Carson through the Indian troubles. In 1861 he was commissioned major of the First New Mexico Infantry, by President Lincoln, and was afterwards promoted to be lieutenant-colonel of the regiment. In 1862 he took part in the battle of Valverde, and later on helped to establish Fort Wingate. He was mustered out of the service of the United States in 1865, and returning home, he took up the study of law, and was shortly thereafter admitted to the bar. During the latter '70s he served as district attorney of the Second Judicial District. Colonel Chaves was a Republican, and in 1858, while absent fighting the Navajo Indians, was elected to the House of Representatives in the Territorial legislative assembly, taking his seat in 1860. In 1865 he was elected as the delegate to Congress and served in the Thirty-ninth and Fortieth Congresses. In 1875 he was elected a member of the territorial council from Valencia county and was re-elected to every succeeding



legislature. He was appointed superintendent of public instruction by Governor Otero in March, 1901; he was reappointed in 1903 and was filling the position at the time of his death. Colonel Chaves was assassinated at seven o'clock on the evening of Saturday, November 26, 1904, at Pinos Wells, Valencia county.

Charles E. Hodgkin, dean of the University of New Mexico, was born at Lynn, Indiana, August 21, 1858, and was educated in the public schools, Hadley's Academy, Friends' Academy, at Richmond, Indiana, and graduated from the Indiana State Normal School in 1881. After teaching in village and country schools and two years as a member of the faculty of the Richmond Normal School, he came to New Mexico in 1885, where he continued teaching. He was connected with Albuquerque Academy from 1886 to 1891, as principal for four years.

When the Albuquerque public schools were organized, in 1891, Professor Hodgkin was elected superintendent. He held that position until chosen principal of the Normal department of the university in 1897. He is now in the tenth year of this office.

Professor Hodgkin helped organize the Territorial Educational Association of New Mexico in 1886, having held the office of president twice. He was elected sixth vice-president of the National Educational Association at San Francisco in 1888, and was a director from New Mexico at the National Educational Association at Denver in 1895.

Professor Hodgkin is a live worker in education. In 1903-4 a year's leave of absence from the university was spent in the philosophy and pedagogy departments at the University of California. In 1893 he attended a summer session of the Cook County Normal at Chicago, which was the late Colonel Parker's school.

Professor Charles M. Light, who in 1896 became associated with the New Mexico Normal School at Silver City, where he has now remained for ten years, was graduated from the Kansas State Normal School in the class of 1875, and was actively engaged in public school work as a teacher until 1892. He was then appointed to take charge of the Kansas Educational exhibit at the World's Columbian Exposition in Chicago, and following its close in 1893 he entered the University of New York, from which he was graduated in 1894, winning the degree of Doctor of Pedagogy. Subsequently he became a teacher of pedagogy in the Kansas Normal College, where he remained until 1896, since which time he has been continuously connected with the New Mexico Normal School. In the year of his arrival here there was an enrollment of forty-seven students, which number has now been increased to one hundred and seventy-five, there being ten graduates in the present year, 1906. Professor Light took charge of the New Mexico Normal School in the year in which it was removed from the old quarters in the old Presbyterian church to its present location. The institution has had splendid growth since that time, due to the sacrifice, devotion and untiring effort of the teachers, no special building appropriations being made by the legislature.

Professor Francis Edward Lester, registrar of the New Mexico College of Agriculture and Mechanic Arts, at Mesilla Park, in Doña Ana county, was born in England, August 7, 1868, and was educated in the public schools at Wigton and in Ackworth College of his native country, from which institution he was graduated in 1884. Leaving England in

1889, he crossed the Atlantic and went to Kansas with his parents, Edward and Mary Hannah (Ashby) Lester. The parents afterward went to California, while Professor Lester came to New Mexico in 1891 to accept the position of registrar in the College of Agriculture and Mechanic Arts. He is also the principal of the stenographic department, and has taken greatest interest in training stenographers in English and Spanish, beginning this work in 1898. He was the first in the United States to give attention to this branch of instruction, which is now one of the strongest features in the work of the school. Professor Lester has prepared an English and Spanish stenographic text-book, the first used in the United States. It is used in the Agricultural College and also in the Cuban and Porto Rican schools. Professor Lester is an educator of superior ability, constantly seeking out new and improved methods, and has made his department in the school one of rare efficiency. He possesses a fine collection of Indian curios, Mexican drawn work, etc., and in 1900 he founded a mail order business which has grown to extensive proportions. For the use of his business he erected in 1905 a handsome building in mission style, where may be seen many fine specimens of Mexican drawn work and Indian curios.

Clinton J. Crandall, superintendent of the government Indian school at Santa Fé, was born in Ashtabula, Ohio, June 13, 1857, and was educated in the normal school at Valparaiso, Indiana, after attending the common schools of Minnesota. In 1891 he became connected with the government system of Indian instruction as superintendent of the school at Pipestone, Minnesota, where he remained until 1894, after which he was the principal teacher and assistant superintendent at Chilacca, Oklahoma, until 1896. He then went to Arizona, and was superintendent of schools among the Pimas, at Sacaton, until 1897. The succeeding three years were passed in the lower Brule school, in South Dakota, among the Brule Indians, and in February, 1900, he came to Santa Fé to take charge of the government Indian school of this city as superintendent. The first of July, 1900, the Pueblo agency at Santa Fé was abolished, and the duties of Indian agent for twelve of the Northern pueblos, with a population of 3,500, was devolved upon Superintendent Crandall. The Santa Fé school was established in 1890, the first superintendent being S. M. Cart, who remained in charge for three years. The first appropriation amounted to about thirty-five thousand dollars. The plant is now valued at about one hundred thousand dollars, the improvements since Mr. Crandall became superintendent aggregating about eighty-six thousand dollars, including forty-four thousand dollars in hand now available. The second superintendent was Colonel Jones, a graduate of West Point, and a veteran of the Confederate army, who served for about five years, and was succeeded by Andrew H. Viets, who remained for two years and was the predecessor of Professor Crandall. In 1894 this school was made a normal—the first in the United States for the education of Indians—and the normal department was continued until 1900, when it was discontinued, there being normals at Haskell and Carlisle. Professor Crandall saw the necessity of laying more stress upon elementary and industrial education, and is constantly directing his efforts along those lines.

He is a Master Mason, belonging to Montezuma Lodge No. 1, A. F. & A. M., of which he is a past master. He likewise belongs to the chapter,

commandery and shrine, and has served as grand junior deacon of the grand lodge. He is likewise a past noble grand of Hope Lodge No. 89, Odd Fellows, in Pipestone, Minnesota, in which he held membership.

A. B. Stroup, county superintendent of schools in Bernalillo county, was born in Loda, Illinois, in 1872, and was reared in Kansas. He was graduated from the Kansas State Normal School in the class of 1898 and did post-graduate work in that institution in 1899. He taught in the country schools of Kansas as early as 1890, and came to New Mexico, September 1, 1899, as a teacher in the high school of Albuquerque. He was made principal in the fall of 1900, and on the first of November, 1901, went to Deming as superintendent of the public schools at that place. On the first of August, 1902, he was chosen city superintendent of schools at Albuquerque, and acted in that capacity for three years, until, on the 31st of August, 1905, he was appointed county superintendent of schools for Bernalillo county.

## LISTS OF NEW MEXICO'S OFFICIALS SINCE THE AMERICAN CONQUEST.\*

### *Civil Governors Under Military Appointment.*

- 1846-47. Charles Bent. (Assassinated July 17, 1847.)  
 1847-48. Donaciano Vigil.  
 1848-49. J. M. Washington, Commandant of the Department.  
 1849-51. John Monroe, Commandant of the Department.

### *Civil Governors Under the Organic Act. March 3, 1851.*

- 1851-52. James Calhoun.  
 1852. John Greiner. (Secretary acting as Governor.)  
 1852-53. William Carr Lane.  
 1853-57. David Meriwether.  
 1857-61. Abraham Rencher.  
 1861-66. Henry Connelly.  
 1866-69. Robert B. Mitchell.  
 1869-71. William A. Pile.  
 1871-75. Marsh Gidding.  
 1875. William G. Ritch. (Secretary acting as Governor.)  
 1875-78. Samuel B. Axtell.  
 1878-81. Lewis Wallace.  
 1881-85. Lionel Sheldon.  
 1885-89. Edmund G. Ross.  
 1889-93. L. Bradford Prince.  
 1893-97. William T. Thornton.  
 1897-06. Miguel A. Otero.  
 1906. Herbert J. Hagerman.

### *Secretaries.*

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| <p>1846-51. Donaciano Vigil.<br/>           1851. Hugh N. Smith.<br/>           1851-52. William S. Allen.<br/>           1852-53. John Greiner.<br/>           1853-54. William S. Messervy.<br/>           1854-57. W. H. H. Davis.<br/>           1857-61. A. M. Jackson.<br/>           1861. Miguel A. Otero.<br/>           1861-62. James H. Holmes.<br/>           1862-67. W. F. N. Army.<br/>           1867-70. H. H. Heath.</p> | <p>1870-72. Henry Wetter.<br/>           1872-73. W. F. N. Army.<br/>           1873-84. William G. Ritch.<br/>           1884-85. Samuel A. Losch.<br/>           1885-89. George W. Lane.<br/>           1889-92. B. M. Thomas.<br/>           1892-93. S. Alexander.<br/>           1893-97. Lorion Miller.<br/>           1897-01. George H. Wallace.<br/>           1901. J. W. Reynolds.</p> |
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### *Attorneys General.*

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| <p>1846-48. Hugh N. Smith.<br/>           1848-52. Elias P. West.<br/>           1852. Henry C. Johnson.<br/>           1852-54. Merrill Ashurst.<br/>           1854-58. Theodore Wheaton.<br/>           1858-59. R. H. Tompkins.<br/>           1859-60. Hugh N. Smith.<br/>           1860. Spruce M. Baird.<br/>           1860-62. R. H. Tompkins.<br/>           1862-66. Charles P. Cleaver.<br/>           1866-67. S. B. Elkins.<br/>           1867. Charles P. Cleaver.</p> | <p>1867-69. Merrill Ashurst.<br/>           1869-72. Thomas B. Catron.<br/>           1872. Thomas F. Conway.<br/>           1872-78. William Breedon.<br/>           1878-80. Henry L. Waldo.<br/>           1880-81. Eugene A. Fiske. Office was declared vacant from February 14, 1880, to June 22, 1881, by the decision of the Supreme Court of New Mexico, 2 N. M. Reports, 49-62.<br/>           1881-89. William Breedon.</p> |
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\*Compiled from the Legislative Manual.

## CIVIL RECORDS

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The office of Attorney General was abolished and the office of Solicitor General was created, February 15, 1889.

### *Solicitors General.*

1889-95. E. L. Bartlett.	*1897-04. E. L. Bartlett.
1895-97. J. P. Victory.	1904-06. Geo. W. Prichard.
1897. A. B. Fall.	1906. W. C. Reid.
*Died October 19, 1904.	

### *Auditors.*

1846-51. Eugenio Leitendorfer.	1865-67. Epifanio Vigil.
1851. James W. Richardson.	1867. Anastacio Sandoval.
1851. Robert T. Brent.	1867-69. Epifanio Vigil.
1852. Louis Sheets.	1869-72. Anastacio Sandoval.
1853. J. W. Richardson.	1872-91. Trinidad Alarid.
1853-56. Horace L. Dickinson.	1891-95. Demetrio Perez.
1856-61. Augustine De Marle.	1895-99. Marcelino Garcia.
1861-63. Demetrio Perez.	1899-01. Luis M. Ortiz.
1863-65. Miguel E. Pino.	1901. W. G. Sargent.

### *Treasurers.*

1846-54. Charles Blummer.	1869. Felipe Delgado.
1854-57. Charles L. Spencer.	1869-72. Pablo Delgado.
1857. Hezekiah S. Johnson.	1872-80. Antonio Ortiz y Salazar.
1857-63. Charles Blummer.	1880-82. Juan Delgado.
1863. William Osterton.	1882-86. Antonio Ortiz y Salazar.
1863-65. Anastacio Sandoval.	1886-91. Bernard Seligman.
1865. Felipe Delgado.	1891-95. Rufus J. Palen.
1865-66. Jose Manuel Gallegos.	1895-01. Samuel Eldodt.
1866-69. Simon Delgado.	1901- J. H. Vaughn.

### *Adjutants General.*

1861-65. Charles P. Cleaver.	1880-81. J. Howe Watts.
1865-67. John Gwyn.	1881-83. Max. Frost.
1867-68. Charles P. Cleaver.	1883-89. Edward L. Bartlett.
1868. John T. Russell.	1889-90. E. W. Wyncoop.
1868. George W. Cook.	1890-93. Winfield S. Fletcher.
1868-70. James M. Wilson.	1893-97. G. W. Knaebel.
1870-71. William L. Rynerson.	1897-98. H. B. Hersey.
1871. Anastacio Sandoval.	1898-05. William H. Whiteman.
1871-73. W. M. Giddings.	1905- A. P. Tarkington.
1873-80. Thomas S. Tucker.	

### *Librarians.*

1852-54. John Ward.	1854-57. Juan Climaco Tapia.
(No librarian from 1857 to 1869.)	
1869-71. Ira M. Bond.	1889-91. Jose Segura.
1871-78. James McKenzie.	1891-95. Facundo F. Pino.
1878-80. Aniceto Abeytia.	1895-99. Jose Segura.
1880-89. Samuel Ellison.	1899- Lafayette Emmett.

### *Superintendents of the Penitentiary.*

1889-91. Henry C. Burnett.	1895-99. E. H. Bergmann.
1891-93. J. Francisco Chaves.	1899-06. H. O. Bursum.
1893-95. John R. DeMier.	1906- Captain Arthur Trelford.

### *Superintendents of Public Instruction.*

1891-97. Amado Chaves.	1901-04. J. Francisco Chaves.
1897-99. Placido Sandoval.	1904-05. Amado Chaves.
1899-01. Manuel C. de Baca.	1905- Hiram Hadley.

### *Commissioner of Public Lands.*

1899. A. A. Keen.
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## HISTORY OF NEW MEXICO

*Traveling Auditor and Bank Examiner.*

1903. C. V. Safford.

*Game and Fish Warden.*

1903-06. P. B. Otero.

1906- W. E. Griffin.

*Coal Oil Inspectors.*

1895-97. M. S. Hart.

1899-03. John S. Clark.

1897-99. W. E. Martin.

Office of Coal Oil Inspector abolished February, 1903; re-established, 1905.

1905- Benigno Romero.

*Public Printers.*

1899-03. James D. Hughes.

1903- J. S. Duncan.

*Assistant Secretary.*

1903- George A. Fleming.

## FEDERAL OFFICERS.

*United States Surveyors General.*

1854-60. William Pelham.

1884-85. Clarence Pullen.

1860-65. Alexander P. Wilbar.

1885-89. George W. Julian.

1865-68. John A. Clark.

1889-93. Edward W. Hobart.

1868-69. Benjamin C. Cutter.

1893-97. Charles F. Easley.

1869-72. T. Rush Spencer.

1897-02. Quinby Vance.

1872-76. James K. Proudfit.

1902- Morgan O. Llewellyn.

1876-84. Henry M. Atkinson.

*U. S. Collectors of Internal Revenue.*

1862-69. Charles Blummer.

1890-93. Levi A. Hughes.

1869-70. Alex. P. Sullivan.

1893-97. Charles M. Shannon.

1870-83. Gustavus A. Smith.

1897-05. Alexander L. Morrison.

1883-86. Silas W. Fisher.

1905- Henry P. Bardshar.

1886-90. Joseph P. McGrorty.

## NEW MEXICO LAND DISTRICTS.

The first land district in New Mexico was created by Act of Congress, approved May 24, 1857 (see U. S. Statutes, Vol. X, p. 292), and the land office was opened for business on November 25, 1858, at Santa Fé, New Mexico.

*Registers of the Santa Fé Land Office.*

1858-60. William A. Davidson.

1878-81. John C. Davis.

1860-61. Oliver P. Richardson.

1881-85. Max. Frost.

1861-67. Joab Houghton.

1885-87. Charles F. Easley.

1867-69. Edward D. Thompson.

1887-89. James H. Walker.

1869-70. Henry Witten.

1889-93. Alex. L. Morrison.

1870-72. Eben Everett.

1893-97. James H. Walker.

1874-78. Joseph D. Sena.

1897- Manuel R. Otero.

*Receivers of Public Money, Santa Fé Land Office.*

1858-61. William A. Street.

1878-81. Elias Brevoort.

1861-65. John Greiner.

1881-85. William H. Bailhache.

1865. James L. Collins.

1885-89. Leigh O. Knapp.

1865-66. John Greiner.

1889. Joseph A. Spradling.

1866-73. James L. Collins.

1889-93. William M. Berger.

1873-74. Eldridge W. Little.

1893-97. Pedro Delgado.

1874-77. Abram G. Hoyt.

1897-02. Edward E. Hobart.

1877. George R. Smith.

1902- Frederick Muller.

1877-78. Charles Howard.

# CIVIL RECORDS

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## LA MESILLA LAND DISTRICT.

Act of March 3, 1874. Opened August 9, 1875. Removed to Las Cruces April 25, 1883.

### *Registers of the La Mesilla Land Office.*

1874-80. Lawrence La Point.	1894-96. John D. Bryan.
1880-84. George D. Bowman.	1896-97. Edwin E. Sluder.
1884-85. John R. McFie.	1898-02. Emil Solignac.
1885-89. Edmund G. Shields.	1902-06. Nicholas Galles.
1889-94. Samuel P. McCrea.	1906- Eugene Van Patten.

### *Receivers of the La Mesilla Land Office.*

1874. William L. Rynerson.	1889-90. James J. Dolan.
1874-80. Mariano Barela.	1890-94. Quinby Vance.
1880-86. Samuel W. Sherfy.	1894-97. James P. Ascarate.
1886-89. James Browne.	1897- Henry D. Bowman.

## FOLSOM LAND DISTRICT.

Act December 18, 1888. Opened August 12, 1889. Removed to Clayton April 14, 1892.

### *Registers of the Folsom Land Office.*

1889-91. Thomas B. Baldwin.	1894-97. John C. Slack.
1891. George K. Anderson.	1897- Edward W. Fox.
1891-94. William W. Bayle.	

### *Receivers of the Folsom Land Office.*

1889-94. Henry C. Prikles.	1898- Albert W. Thompson.
1894-98. Joseph S. Holland.	

## ROSWELL LAND DISTRICT.

Act March 1, 1889. Opened December 16, 1889.

### *Registers of Roswell Land Office.*

1889-90. John H. Mills.	1893-97. George R. Young.
1890-93. Winfield S. Cobean.	1897- Howard Leland.

### *Receivers of Roswell Land Office.*

1889-93. Frank Lisnet.	1897- David L. Geyer.
1893-97. William H. Cosgrove.	

## JUDGES AND OFFICERS OF THE SUPREME AND DISTRICT COURTS OF NEW MEXICO.

The Supreme Court is composed of the judges of the six judicial districts.

### *Chief Justices.*

Appointed.	Appointed.
Joab Houghton .....1846	John S. Watts.....1868
Grafton Baker .....1851	Joseph G. Palen.....1869
J. J. Davenport.....1853	Henry L. Waldo.....1876
Kirby Benedict .....1858	Charles McCandless .....1878
John P. Slough.....1866	L. Bradford Prince.....1879
Samuel B. Axtell.....1882	James O'Brien.....1889
William A. Vincent.....1885	Thomas J. Smith.....1893
Elisha V. Long.....1885	William J. Mills.....1898

*Judges, First District.*

Headquarters at Santa Fé.

Counties: Santa Fé, San Juan, Rio Arriba and Taos.

Appointed.	Appointed.
Joab Houghton .....1846	Charles McCandless .....1878
Grafton Baker .....1851	L. Bradford Prince.....1879
J. J. Davenport.....1853	Samuel B. Axtell.....1882
Kirby Benedict .....1858	Reuben A. Reeves.....1887
John P. Slough.....1866	William H. Whiteman.....1889
John S. Watts.....1868	Edward P. Seeds.....1890
Joseph G. Palen.....1869	Napoleon B. Laughlin.....1894
Henry L. Waldo.....1876	John R. McFie.....1898

*Judges, Second District.*

Headquarters at Albuquerque.

Counties: Bernalillo, McKinley, Sandoval and Valencia.

Appointed.	Appointed.
Antonio J. Otero.....1846	Samuel C. Parks.....1878
John S. Watts.....1851	Joseph Bell .....1882
Perry E. Brochhus.....1857	William H. Brinker.....1885
W. F. Boon.....1859	William D. Lee.....1889
Sydney A. Hubbell.....1861	Needham C. Collier.....1893
Perry E. Brochhus.....1867	Jonathan W. Crumpacker.....1898
Hezekiah S. Johnson.....1870	Benjamin S. Baker.....1902
John I. Reddick.....1876	Ira A. Abbott.....1904
Samuel B. McLin.....1877	

*Judges, Third District.*

Headquarters at Las Cruces.

Counties: Doña Ana, Grant, Luna, Sierra and Socorro.

Appointed.	Appointed.
Charles Beaubien .....1846	Daniel B. Johnson.....1871
Horace Mower .....1851	Warren Bristol .....1872
Kirby Benedict .....1853	Stephen F. Wilson.....1884
William G. Blackwood.....1858	William F. Henderson.....1885
Joseph G. Knapp.....1861	John R. McFie.....1889
Joab Houghton .....1865	Albert B. Fall.....1893
Abraham Berger .....1869	Gideon D. Bantz.....1895
Benjamin J. Waters.....1870	Frank W. Parker.....1898

*Judges, Fourth District.*

Headquarters at Las Vegas.

Counties: San Miguel, Colfax, Mora and Union.

Appointed.	Appointed.
Elisha V. Long.....1886	Thomas J. Smith.....1893
James O'Brien .....1893	William J. Mills.....1898

*Judges, Fifth District.*

Headquarters at Roswell.

Counties: Chaves, Eddy and Roosevelt.

Appointed.	Appointed.
Alfred A. Freeman.....1890	Dan'l H. McMillan.....1900
Humphrey B. Hamilton.....1895	W. H. Pope.....1903
Charles A. Leland.....1898	

*Judges, Sixth District.*

Headquarters at Alamogordo.

Counties: Otero, Lincoln, Leonard Wood, Torrance and Quay.

Appointed.
Edw. A. Mann.....1904



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## United States Attorneys.

Appointed.		Appointed.	
Frank P. Blair.....	1846	Thomas B. Catron.....	1872
Hugh N. Smith.....	1847	Sidney M. Barnes.....	1878
Elias P. West.....	1851	George W. Prichard.....	1883
William H. H. Davis.....	1853	Joseph Bell.....	1884
William Claude Jones.....	1855	Thomas Smith.....	1885
Richard H. Tompkins.....	1858	Eugene A. Fiske.....	1889
Theodore D. Wheaton.....	1860	J. B. H. Hemingway.....	1893
Merrill Ashurst.....	1861	W. B. Childers.....	1896
Stephen B. Elkins.....	1867	W. H. H. Llewellyn.....	1904
S. M. Ashenfelter.....	1871		

## Clerks of the Supreme Court.

Appointed by the Court.		Appointed.	
Appointed.		Appointed.	
James M. Giddings.....	1852	John H. Thompson.....	1877
Louis D. Sheets.....	1854	Frank W. Clancy.....	1880
Augustine de Marle.....	1856	Charles M. Phillips.....	1883
Samuel Ellison.....	1859	Euel M. Johnson.....	1886
William M. Gwynne.....	1866	Robert M. Foree.....	1887
Peter Connelly.....	1867	Summers Burkhart.....	1889
Samuel Ellison.....	1868	Harry S. Clancy.....	1891
William Breeden.....	1869	Page B. Otero.....	1893
Marshall A. Breeden.....	1872	George I. Wylls.....	1894
Rufus J. Palen.....	1873	Jose D. Sena.....	1898

## United States Marshals.

Appointed.		Appointed.	
Richard Dallan.....	1846	John Pratt.....	1866
John L. Jones.....	1851	John Sherman, Jr.....	1876
Charles L. Rumley.....	1853	A. L. Morrison.....	1881
Charles H. Merritt.....	1854	Romulo Martinez.....	1885
Charles Blummer.....	1856	Trinidad Romero.....	1889
Charles P. Cleaver.....	1858	Edwin L. Hall.....	1893
Abram Cutler.....	1861	C. M. Foraker.....	1898

## Delegates in Congress.

31st Congress, 1849-51.....	William S. Messervy
32d Congress, 1851-53.....	R. H. Weightman
33d Congress, 1853-55.....	Jose M. Gallegos
34th, 35th and 36th Congresses, 1855-61.....	Miguel A. Otero
37th Congress, 1861-63.....	John S. Watts
38th Congress, 1863-65.....	Francisco Perea
39th and 40th Congresses, 1865-69.....	J. Franco. Chaves
41st Congress, 1869-71.....	Charles P. Cleaver
(Contested by J. F. Chaves, and at the end of session Chaves was seated.)	
42d Congress, 1871-73.....	Jose M. Gallegos
43d and 44th Congresses, 1873-77.....	Stephen B. Elkins
45th Congress, 1877-79.....	Trinidad Romero
46th Congress, 1879-81.....	Mariano S. Otero
47th Congress, 1881-83.....	Tranquilino Luna
48th Congress, 1883-85.....	F. A. Manzanares
(Luna's election to the 48th Congress was contested by Manzanares, and the latter was seated.)	
49th, 50th, 51st, 52d and 53d Congresses, 1885-95.....	Antonio Joseph
54th Congress, 1895-97.....	T. B. Catron
55th Congress, 1897-99.....	H. B. Ferguson
56th Congress, 1899-1901.....	Pedro Perea
57th and 58th Congresses, 1901-05.....	Bernard S. Rodey
59th Congress.....	W. H. Andrews

LEGISLATIVE ASSEMBLY UNDER THE MILITARY GOVERNMENT, CONVENED DECEMBER 6TH, 1847.

*Members of the Council.*

President—Antonio Sandoval, Bernalillo County.  
 Clerk—Henry Henrie.  
 Doorkeeper—James Hubble.  
 Central District—(Composed of Santa Fé, San Miguel del Bado, and Santa Ana Counties), Jose Francisco Baca y Torres, Jose Andres Sandoval, Juan Tullis.  
 North District—(Composed of Taos and Rio Arriba Counties), Nicolas Lucero, Pascual Martinez.  
 South District—(Composed of Bernalillo and Valencia Counties), Antonio Sandoval, Juan Otero y Chaves.

*Members of the House.*

Speaker—Wm. Z. Angey, of Santa Fé County.  
 Clerk—James Giddings.  
 Doorkeeper—E. J. Vaughn.  
 Santa Fé County—Miguel Alvarez, W. Z. Angey, Anto. Ma. Ortiz.  
 Santa Ana County—Tomas C. de Baca, Jesus Sandoval.  
 San Miguel del Bado County—Miguel Sanchez, Antonio Sais, Levi J. Keitlay.  
 Rio Arriba County—Jose Roma Vigil, Jose Antonio Manzanares, Mariano Lucero.  
 Taos County—Jose Martin, Geo. Gold, Antonio Jose Ortiz.  
 Bernalillo County—Juan Perea, Rafael Armijo y Mestas.  
 Valencia County—Wm. Skinner, Juan Cruz Baca, Juan Cristoval Chaves, Rafael Luna, Juan Sanches y Carillo.

FIRST LEGISLATIVE ASSEMBLY.

The first session convened at Santa Fé, the capital, on the second day of June, 1851; and the second session convened on the first day of December, 1851.

*Council.*

President (First Session)—Antonio Jose Martinez, of Taos County.  
 President (Second Session)—Juan Felipe Ortiz, of Santa Fé County.  
 Clerk—Fernando Pino.  
 Sergeant-at-Arms—Robert Cary.  
*Members.*—First District—(Counties of Taos and Rio Arriba), Pablo Gallegos, George Gold, Anto. Jose Martinez, Vicente Martinez, Antonio Ortiz.  
 Second District—(Counties of Santa Fé and San Miguel), Jose Francisco Leyba, Juan Felipe Ortiz, Hugh N. Smith.  
 Third District—(Counties of Bernalillo and Santa Ana), Tomas Cabeza de Baca, Jose Manuel Gallegos.  
 Fourth District—Counties of Valencia and Socorro, Florencio Castillo, Juan C. Chaves, Francisco Anto. Otero.

*House.*

Speaker—Theodore Wheaton, of Taos County.  
 Clerk (First Session)—Robert N. Johnson.  
 Clerk (Second Session)—Thomas D. Russel.  
 Sergeant-at-Arms—John M. Clifford.  
*Members.*—Taos County—Reymundo Cordova, Dionicio Gonzales, Pascual Martinez, Miguel Mascarena, Theodore Wheaton.  
 Rio Arriba County—Geronimo Jaramillo, Jose Antonio Manzanares, Diego Salazar, Celedonio Valdez, Ramon Vigil.  
 Santa Ana County—Jose Sandoval.  
 Santa Fé County—Candido Ortiz, Palmer J. Pilans, Merrill Ashurst, Robert T. Brent.  
 San Miguel County—Hilario Gonzales, M. Sena y Quintana, M. Sena y Romero.  
 Bernalillo County—Juan Cristobal Armijo, Spruce M. Baird, Jose Leandro Perea.  
 Valencia County—Juan Cruz Baca, Juan Jose Sanchez, Wm. C. Skinner.  
 Socorro County—Juan Torres, Esquipula Vigil.





**Edmund G. Ross**

An idea of the character of the legislative assemblies of the late sixties may be gleaned by a study of some of their memorials to Congress. In 1867 a long memorial reported from committee in which Robert B. Mitchell, who had entered upon the duties of his office in August, 1866, was accused of "immediately commencing to act the partisan"; of running away from his post of duty during the whole of the session of the legislature; upon his return, in the spring of 1867, of beginning the "unauthorized and illegal removal" of all the officers appointed by the former secretary and acting governor of the Territory; of ignoring the rights of the people of New Mexico and with an assumption of power wholly usurped and not delegated, and never before exercised by any executive in the United States, of appointing a delegate to the Fortieth Congress of the United States, during the pendency of a canvass in this Territory for delegate; of establishing new precincts in counties, taking upon himself to that end a prerogative belonging only to the legislature; of assuming to himself the prerogative of giving a certificate of election to one of the candidates for the Fortieth Congress, when such duties devolve upon the secretary of the Territory.

"And finally Governor Mitchell has grossly undertaken to trample upon the rights guaranteed to the people of New Mexico through their legislature to memorialize the Congress of the United States for the relief of their grievance, a right scarcely guaranteed to American citizens by the Constitution of the United States, disapproving such memorial and refusing his sanction thereto; and this tyranny has been more serious since the hand of the aforesaid governor was refused to a memorial, the object of which was to ask Congress to diminish a despotic power known only among tyrants, although very seldom excused by them, to-wit: To secure from Congress such an amendment of the organic act of this Territory as would deprive and take from Governor Mitchell the unqualified veto power, putting thereby the loyal and free people of this Territory on an equal footing with other territories of the United States, thereby restraining the governor from the exercise of power to overthrow the entire legislation of the country notwithstanding that the laws might be passed by a unanimous vote of the legislative assembly.

"No patriotic man, no man who is not cursed with a spirit of oppression or executive tyranny, can desire such power to rest in his hands, such a power as the legislature complains of in the said memorial asking its abolition. No man who respects the people of whom he is the executive would desire such power; wherefore we have come to the conclusion that he who desires to wield this power is neither fit nor capable of governing a free people."

The memorial concluded by asking, in emphatic terms, for the removal of Governor Mitchell.

In May, 1885, President Cleveland issued to Edmund G. Ross a commission as governor of New Mexico, to succeed Lionel A. Sheldon. The four years' administration of Governor Ross was as stormy a period as has ever characterized the Territory. For more than twenty years the Republicans had been in power, and the efforts of the preceding administrations to build up a powerful political machine in the Territory had succeeded to the point where the people generally, regardless of their political predilections, hailed with delight the advent of an executive who would wage a relentless warfare against the now thoroughly established institution known as the Santa Fé ring. It was at this critical period in the history of the Territory that Edmund G. Ross entered upon the arduous duties of chief executive.

Governor Ross was born in Ashland, Huron county, Ohio, December 7,

1826. At the age of ten he entered the printing office of H. C. Grey in Huron, Ohio, where he remained until the office was purchased by his older brother, Sylvester Ross, and removed to Sandusky, Ohio. Mr. Ross, then about seventeen years of age, accompanied his brother and spent the greater part of his school days in Sandusky. In 1847 he traveled through Indiana, Illinois and Wisconsin as a journeyman printer, but returned to Sandusky, where, in 1848, he was married to Fannie M. Lathrop, a native of New York state. Seven children were born of this marriage, six of whom reached middle age, with five still living, the grandchildren numbering twenty-five. Mrs. Ross died in 1899, after fifty-one years of wedded life. From Sandusky, in 1851, with his wife and daughter, he went to Milwaukee, en route to Chicago, by way of the Great Lakes; but in the Wisconsin city changed his plans and decided to remain there. He was first employed on the *Free Democrat*, but soon after became foreman on the Milwaukee *Sentinel*, remaining on that paper until 1856, when he organized a party of "Free-Staters" to travel overland to Kansas. Early in August of that year this party, three hundred strong, reached Topeka, where Mr. Ross's brother, William W., had been located for one year. That fall Mr. Ross went to Lawrence and purchased of John Speer his interest in the Lawrence *Tribune*, which he removed to Topeka, and with his brother published for three years under the name of the Topeka *Tribune*. About the same time he entered the Free State troops and with them engaged in the "border war" for several years. In 1859 he was elected a member and served in the Wyandotte Constitutional Convention, which framed the constitution under which the Territory of Kansas was admitted to statehood. In that year, also, he founded the Kansas *State Record* (since merged with the Topeka *Capital*) in partnership with his brother, William W., and they erected a three-story concrete building, the first structure in Topeka devoted exclusively to newspaper purposes. In 1860 they began the issue of a daily edition of the *Record*, which they continued for nearly two years. Mr. Ross also urged the holding of and took a prominent part in the "Kansas Railroad Convention" of 1860.

In 1862 Mr. Ross raised a company of volunteers at Topeka for the support of the Union cause, and was elected its captain. This company was mustered into the service as Company E, Eleventh Kansas Infantry. In 1864 he was promoted major of his regiment. During the Price raid, which occurred in the summer of 1864, he served as colonel of battalion, and participated in a series of battles commencing at Lexington and ending about five miles south of Kansas City, Missouri, where the Federals were finally victorious, and Price retreated to the south. On the second day of this historic engagement three horses were shot from under him and his shoulder-straps were shot away. His service continued until the close of the war, being confined principally to the Kansas-Missouri border, and he left the army with the rank of major.

In the spring of 1864 the family of Mr. Ross had removed to Lawrence, and upon the termination of hostilities he entered the Kansas *Tribune* at that place in partnership with John Speer, publishing it about one year. In July, 1866, following the suicide of United States Senator James Lane, Governor Samuel J. Crawford appointed Mr. Ross to the vacant Kansas senatorship, and upon the convening of the state legislature in January, 1867, he was elected to the office for the term expiring in March, 1871.

Mr. Ross had been a "Union" Democrat, and had voted for Lincoln in 1860-4, and was elected to the senate as a Republican in 1867. It was during his term in the senate that impeachment proceedings were brought against President Andrew Johnson, and it was his vote that prevented the removal of that president from office. This grave political event made the senator from Kansas one of the most conspicuous figures in the nation for the time being. How the seceded states could be expeditiously restored to their constitutional relations with the Union was the most important question of the hour. The Republican party approached that work in the hot blood of war and the elation of victory, a state of mind hardly fitting it for perfect and sane political effort. Mr. Ross was fully aware of the fact that the Baltimore convention which nominated Lincoln and Johnson knew that both nominees opposed the idea advanced by some leaders of their party, that the states in rebellion were without political rights and not entitled to consideration in any proposition for their rehabilitation that might be adopted. Upon Johnson's accession to the presidency, the first thing he sought was the restoration of the Union by the return of the rebellious states to their allegiance to the constitution. In the first attempt to impeach the president, in 1867, the chief magistrate's method of reconstruction was the most conspicuous feature of the prosecution. The extremists insisted that this policy was a radical departure from Lincoln's plan—an unwarranted assumption of authority by Johnson; that its purport was the recognition of the people of the south as American citizens with the rights of such, an act not far removed from treason. The testimony adduced at the trial satisfied Senator Ross that Johnson was endeavoring faithfully to carry out Lincoln's methods of reconstruction. The controlling element of the Republican party had temporarily acquiesced in the plan of reconstruction foreshadowed by Lincoln and adopted by Johnson; but in 1865 some of the party leaders came to take the opposite ground—that the rebellious states had forfeited all the rights of statehood and were simply conquered provinces, subject to the will of the conqueror. The strife that followed, the history of which is known to all, continued to increase the bitterness against the president until it seemed that there could be no end to it as long as he occupied his office. Things had now reached that state where he was treated more as a clerk, whose sole duty it was to register, without suggestion, the decrees of Congress. "That Mr. Lincoln, had he lived, would have pursued much the same policy of reconstruction," wrote Mr. Ross in his history of the impeachment case, "is clearly indicated by the established fact that he had determined to adopt precisely the initial measures thereto which Mr. Johnson did inaugurate and carry out."

The passage of the tenure of office act early in 1867, designed to restrict the authority of the president in his appointments generally, and specifically to prevent his removal of the secretary of war, tending to make the latter not only independent of his chief, but the immediate instrument of Congress, appears to have been one of the prime acts which persuaded Senator Ross to stand by the president. Another condition which impelled him to take the stand he did was the fact that Johnson was so badly hampered by his "lack of political *finesse* and intricate knowledge of statecraft." Representing, as Mr. Ross did, an intensely radical constituency, his predilections were sharply against the president and his vote had been

counted upon accordingly. But he had sworn to judge the defendant, not by his political or personal prejudices, but by the facts elicited in the investigation. In his judgment those facts did not sustain the charge of high misdemeanor, and when the question was put to a vote he voted "not guilty."

A conspicuous service performed by Mr. Ross while in the senate was the introduction of a resolution providing for furnishing government arms to the Kansas state militia for protection against the marauding Indians of the plains. In spite of determined opposition the measure passed and the equipment of the state troops with adequate arms ended the Indian depredations.

Upon the expiration of his term in the senate Mr. Ross returned to Lawrence and applied for a position at the printer's case in the office of the newspaper he had formerly owned, but was refused a place, as he was not a member of the printers' union. This was a specious plea, the fact being that the political ring which he previously had fought so strenuously feared his return to the local political field and persuaded the proprietors of the newspapers to refuse him admission to the offices. In the fall of 1871 he went to Coffeyville, Kansas, and began the publication of *Ross's Paper*, in the columns of which he exposed corruption in state and federal politics. The Coffeyville office was destroyed by a tornado in 1872, and, returning to Lawrence, he founded the *Evening Paper* in January, 1873, through the agency of which he procured the political downfall of United States Senator Pomeroy. A month later he and his sons became interested in the publication of the *Spirit of Kansas*, a weekly, published at Lawrence. In the fall of 1874 he became foreman of the *Lawrence Journal*, where he remained a year. Then, with F. J. V. Skiff, he purchased the *Daily Standard* at Lawrence, and with him and later partners published the paper until the fall of 1880, when he removed the plant to Leavenworth, where it was later sold to a stock company. In 1882 he came to New Mexico and secured employment at the printer's case in the office of the *Albuquerque Journal*, remaining with that paper most of the time until his appointment as governor of New Mexico in 1885.

From the earliest days of his tempestuous administration Governor Ross found himself confronted with every conceivable obstacle. The twenty-seventh legislative assembly was overwhelmingly Republican, and Colonel J. Francisco Chaves, president of the council, and Manuel C. de Baca, speaker of the house, hampered him as no executive in New Mexico had ever before been hampered in his efforts to procure a reform in territorial affairs. He waged a relentless warfare against corrupt officials. Nominations to office which he sent to the council were held by President Chaves two months, the latter refusing to allow the council to act upon them. Before the close of the session Governor Ross withdrew his original nominations and presented new ones, but President Chaves, who was one of the shrewdest political intriguers known to the history of the Territory, instead of offering the new nominations for confirmation took from his private drawer the first list, which the governor had withdrawn, and forced their confirmation, having succeeded in the meantime in securing the support of two of the original nominees in his fight to override certain executive vetoes of bills passed by the legislature. To two of the men thus confirmed Governor Ross refused to issue commissions. His



vetoed were sustained, however, notably those of the Socorro disincorporation bill, the bill for the relief of Benigno Jaramillo, the bill prohibiting any person from holding two offices, the general county bill, the bill creating Logan county and the bill providing for the regulation of practice in cases of torts. To insure rendering the governor's vetoes null, the next legislature took the precaution to unseat most of the Democratic representatives, giving the Republicans an overwhelming majority and enabling them to override any of the vetoes. The legislature during this administration literally ran wild. Special legislation of the most iniquitous character was introduced, and much of it became a law in spite of the governor's dissent.

The romance and tragedy combined in the career of this striking figure in political life in the west, well illustrated in the incident at Lawrence when he returned from the United States senate and, in his poverty, asked in vain for a position "at the case" on his old newspaper, is similarly illustrated by his experience immediately after the appointment of his successor as governor of New Mexico in 1889, when he entered the printing office of the *New Mexican* at Santa Fé and engaged in typesetting by hand. From Santa Fé he went to Deming, where he edited the *Headlight* until 1893. During Cleveland's second administration there was a considerable sentiment in favor of his reappointment to the executive office, but the younger element in the party prevailed and the appointment of William T. Thornton followed. During the first two years of Governor Thornton's term Mr. Ross was secretary of the bureau of immigration. Since 1895 he has lived in retirement in Albuquerque, where two of his children, a son and a daughter, with their families, now reside.

William T. Thornton, governor of New Mexico from 1893 to 1897, was born in Calhoun, Henry county, Missouri, February 9, 1843, a son of Dr. William T. Thornton. His mother was Caroline V. Taylor, of Louisville, Kentucky. He served in the Confederate army; and after the war began the study of the law, being graduated from the law department of Kentucky University in 1868. In 1877 he opened a law office in Santa Fé, served in the council in the twenty-fifth legislative assembly, and in 1891 was elected the first mayor of the city of Santa Fé. He retired from the practice of his profession in 1885 and was afterward engaged extensively in the cattle business and in mining. In 1893 President Cleveland appointed him governor of New Mexico, an office that he filled four years. One of his biographers, in referring to his administration, says: "The result of his crusade against crime and against financial delinquency, which he inaugurated and carried on with much vigor of purpose and action, signalized his administration and gave him a distinguished place in the history of this Territory as the most executive and useful governor New Mexico has ever had. These results have done more to establish the supremacy of law, to secure peace and good order and to assure the security of life and property, and hence to advance the cause of civilization and social development, than the works of any of his predecessors in his high office. High crime, including political assassinations, involving both Republicans and Democrats, committed prior to his inauguration, but still undiscovered, were speedily detected and prosecuted to conviction by the peace and prosecuting officers under his forceful inspiration." While it is possible that this writer overdrew the picture somewhat, there is no

doubt that Governor Thornton was responsible for a considerable, though temporary, reform in the administration of public affairs in the Territory, a good work which was largely undone by succeeding administrations.

A radical change in the political conditions in the Territory was inaugurated in 1906 under the administration of Governor Hagerman. For many years the administration of public affairs had been characterized by a deplorable indifference to the interests of the people as a whole and a most diaphanous subservience, in some departments of the government, to private and corporate interests. Vast areas of timber, grazing and agricultural lands, some of which had been property of the Territory for many years, but most of which were donated to the Territory by the federal government under the Fergusson act, so-called, of June 1, 1898, were disposed of to special interests in a manner which brought forth wholesale condemnation from those citizens not identified with the political cabal in power. Great corporations were permitted to obtain, for an inconsequential sum of money, title to tracts of land of great value. Lands which, if sold at public auction to the highest bidder after proper advertisement, would have added millions of dollars to the territorial treasury, were sold at the lowest possible price allowable by law to corporations and associations of individuals.

These transactions, which deprived the Territory of a vast sum of money, created in the minds of many of the honest citizens of New Mexico the impression that devious methods had been resorted to by territorial officials for the purpose of increasing their wealth at the expense of the people. Accusations of dishonesty, of intrigue and of the consummation of plans for the robbery of the people by the application of an interpretation of the law that favored the private interests rather than the interests of the whole people, and especially the interests of the schools, were freely and openly made. These accusations affected men in high standing in official circles, holding their offices under presidential appointment.

So flagrant was the apparent abuse of official favor that the proprietor of one of the most influential newspapers of the Territory, after a series of bitter attacks upon those in power, was indicted for criminal libel. This action resulted in a general awakening to a state of affairs to which many people had remained in a state of apparent indifference, as the result of what they considered the hopelessness of all efforts to effect a reform, and the appointment of a new executive was hailed with feelings that the protracted era of wrongs perpetrated might at last be righted.

At the beginning of Governor Hagerman's administration resignations of public officials holding office under appointment by his predecessor followed in rapid succession. Hardly had the new executive taken possession of his office when a wave of apprehension passed through the entire body of appointive officials. Fearing that resignations would be demanded, some tendered their resignations at once. In one case a resignation reached the governor by telegraph. These vacancies were at once filled by the appointment of men whom the executive believed would cooperate with him to the fullest extent in carrying out the public policies which he was known to favor. By the end of the first five months of

his administration the new régime was fully installed and the work of reform in the administration of the people's affairs was in full sway.

For so long a period had the spirit and intent of the law in the administration of public lands been violated that an incident occurring late in the spring of 1906 was hailed with great surprise and still greater pleasure by those who had led the fight against the gross mismanagement of the land interests of the Territory. Soon after Governor Hagerman assumed his office the attention of the secretary of the interior was called to the manner in which large private interests had been allowed to obtain control of great bodies of land by methods which were believed to be contrary to the provisions of the Fergusson act. Secretary Hitchcock soon afterward directed that an investigation into these conditions be made, and April 2, 1906, E. P. Holcombe, a special agent of the general land office at Washington, arrived in New Mexico upon that mission. The specific matter which he was directed to investigate was the proposed sale to an association of individuals of 9,971.27 acres of lands located in Luna county at one dollar and fifty cents per acre.

The application for these lands was made to the commission of irrigation on September 3, 1904. This board accepted the proposition for the purchase, the contract, when completed, to be made in behalf of James S. Delamater, of Pittsburg, Pennsylvania, as trustee. Sixty-two bids were presented, each for one hundred and sixty acres, at the uniform price of one dollar and fifty cents per acre, were accepted by the commissioner of public lands, and deeds to the various applicants were subsequently prepared. These deeds were not executed or delivered, however, owing to a doubt in the mind of the commission as to whether the sale could be consummated without violating the act of 1898, which provides that not more than one quarter section of land shall be sold to any one person, corporation or association of persons.

When the matter was first referred to the land office it reported that, as the title of the land had become vested in the Territory, it was not a matter over which it could exercise any administrative jurisdiction. March 6, 1906, the matter was referred to the assistant attorney-general for an opinion as to whether the facts disclosed constituted a violation or evasion or attempted violation or evasion of the provision of the act of 1898.

That official advised the secretary of the interior to make an investigation and report to Congress, and suggested that the governor of the Territory should be advised that the best interests of the Territory seemed to require that for the time being the delivery of the deeds should be withheld.

The investigation made by the special agent of the interior department disclosed these facts: The various applicants for the lands referred to had signed their applications at the request of the attorneys for the "trustee" of the proposed association of individuals, with the understanding that it was a mere form, and there was nothing illegal or wrong in it; that they did not pay for the land and did not expect to have any interest in it, and at the time of signing the applications they likewise executed deeds conveying the land to others and gave the deeds to the attorney who secured their signature. The attorney who conducted the negotiations with the commissioner of public lands stated to the latter that it was the

purpose of the applicants to transfer all the land to a company as soon as the deeds were delivered. "The admitted fact that all the applicants to purchase had executed deeds to J. S. Delamater, trustee, for the lands described in their several applications," reported the special agent, "is conclusive of the fact that the original application to the irrigation commission for the recommendation of the selection of the described lands was made in the interest of a corporation or an association of persons formed for the purpose of acquiring title from the Territory of more than one hundred and sixty acres of land, and that the several applicants were procured that the record facts might show a strict compliance with the letter of the law." After making a careful examination of the records the report continues:

"Studied care appears to have been taken that the record should show a close observance of the requirements of the letter of the law, the better to conceal the disregard of its spirit and intent. There is no warrant of law authorizing the board of public lands of the Territory of New Mexico to enter into a contract for the sale of lands in quantities in excess of 160 acres to any one person, association or corporation. \* \* \* Power to contract for the sale of 50 per cent of all lands granted, which are salable under the granting act, does not imply nor can it carry with it power to contract for the sale of more than 160 acres to any one person, association or corporation, where such a limitation is imposed by Congress on the sale of lands granted to the Territory. The facts disclose an attempt to evade the restriction of the act of June 21, 1898, under a colorable compliance with the terms of the federal and territorial statutes, a scheme in all essential respects similar to that used by the Trinidad Coal and Coking Company to obtain title to public coal lands and declared fraudulent by the Supreme Court of the United States (*U. S. vs. Trinidad Coal and Coking Co.*, 137 U. S., 160). The sale has not been consummated, and it is within the power of Congress to enforce the conditions of the grant (100 U. S., 61-69)."

In this manner was begun a reform which, under the guidance of courageous and honest officials, may amount to a revolution in the administration of the public lands of New Mexico. It was not long after the institution of a new order of things that the combination of territorial politicians which had been in power for so long a time, and the "special interests" which had been nurtured at the expense of a hitherto helpless public, began insidiously and by devious methods to plot for the downfall of the reform element. The situation in the early summer of 1906 had become tense and critical. The question of statehood had been so thoroughly involved in that of the private interests threatened that the appointment of Bernard S. Rodey, former delegate to Congress, to the federal bench in Porto Rico was hailed with delight by those who had fought for a continuance, even a perpetuity, of the territorial form of government. Judge Rodey had long been recognized as the implacable and tireless foe of the corrupting forces who had been appropriating territorial lands to their personal use under cover of a literal interpretation of the laws, and as a most devoted advocate of statehood. Aside from the new executive, whose temper under a slight trial had not shown him to be as pliable as some of his predecessors had been, Judge Rodey had been a most disconcerting factor to these interests, and after his removal from Albuquerque

the attention of his clique was turned to the formulation of plans to thwart unwelcome acts.

The view taken by most of the citizens of the Territory who had watched the progress of events was that the Otero administration had taken the wrong side on these questions, on which there was practical unanimity among the people, and had failed at every step. For a long period it struggled to push a bill through Congress enabling the Territory to dispose of its lands in larger parcels than the Fergusson act permitted, ignoring the interior department, the proper channel through which the Territory should approach Congress. When it became apparent that Congress was not disposed to grant the relief asked for, the territorial administration took the matter into its own hands, and had the New Mexico legislature pass an act setting aside all the objectionable provisions of the law of 1898 (the Fergusson act), and under the authority conferred upon itself, by itself, the territorial administration proceeded to violate the federal statute by disposing of vast areas of the public domain with a very liberal hand. Timber lands which, if sold in the open market to the highest bidder, after proper advertisement, would have brought three to five times the price received, were in this manner sold to favorites at three dollars per acre, and lands for agricultural purposes were sold for half that sum. At the close of the eight-year administration of Governor Otero more than three hundred and sixty thousand acres of the public lands of the Territory had been leased to private parties under this arrangement, in open and direct violation of the very plainest terms of the act of Congress, and the work was still going on when the new administration came in. Not only was the land leased in large bodies when the law of Congress declared positively that it should not be so leased, but the leases were never submitted to the secretary of the interior for his approval, though the law declared that every lease should be thus submitted. And, further, the act of Congress conferring the land upon the Territory provided positively and specifically that the net proceeds of all the land disposed of should be used solely for the benefit of the particular territorial institution for the support or endowment of which the land was granted, but under the authority which the territorial administration had conferred upon itself, the money derived from the leasing of lands was devoted to an entirely different purpose. This left on the lips of the people a pertinent question: How are these institutions to secure the money which is theirs by act of Congress, but which has been diverted to other uses?

This was the condition of things when the new administration came in, but the new governor recognized the fact that Congress was superior to the Territorial legislature, and hence he refused to dispose of any more of the public land in a manner that violated the statute of the United States. He knew that the law of Congress governing the disposition of the land ought to be changed, but he knew, also, that the territorial legislature did not have the power to change it, and hence one of his first official acts after being inducted into office was to lay a plain business-like statement of the situation before the Secretary of the Interior, calling the attention of that official to the fact that owing to the arid character of the land granted to the Territory by the act of Congress in question, it could only be used for grazing, and that to utilize it for this purpose parties would have to be permitted to lease it in tracts very much greater than 640 acres. The

Secretary of the Interior at once called the attention of Congress to the necessity of making such change in the law as would fit it to the natural conditions existing in this Territory. Congress promptly took the matter up, and an amendment was proposed which would fit the law to the case. This amendment was very simple, but it covered all the ground of complaint. Following the clause declaring that "not more than one section of land shall be leased to one person, corporation, or association of persons," it proposed to insert the words, "except when in the opinion of the Secretary of the Interior the leasing of a larger area is deemed advisable."

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On June 21, 1898, the bill commonly known as the Fergusson act, because of the fact that it was drawn and introduced into Congress by H. B. Fergusson, delegate from New Mexico, became a law. This law virtually affects one of the most important—in some ways even the most important—interests of the Territory and the passage of the measure referred to was hailed with joy by those citizens of New Mexico who desired to see an honest administration of the public lands. The Fergusson act provided that all sections of school land numbered 16 and 36 in every township of the Territory (where such sections are mineral or have been disposed of under any act of Congress, other non-mineral lands equivalent thereto, and as contiguous as may be to the section in lieu of which the same is taken),—the Territory be granted the right to lease this land, consisting of about four million acres, for the support of its public schools (exemption public reservations). Fifty sections were granted for the erection of public buildings at the capital of the Territory when it should be admitted to the Union; two townships were reserved for the establishment of a University of New Mexico, and sixty-five thousand acres, together with all saline lands, were granted for the use of the university; one hundred thousand acres were set aside for the use of an agricultural college.

The proceeds of the sale of these lands were ordered set aside as permanent funds for the purposes of the university and agricultural college. Five per cent of the proceeds of the sales of public lands sold by the United States subsequent to the passage of the act was set aside as a permanent fund for the support of the common schools. Further grants of non-mineral and unappropriated lands were made as follows: For the establishment of permanent water reservoirs for irrigating purposes, five hundred thousand acres; for the improvement of the Rio Grande in New Mexico and the increasing of the surface flow of the water in the bed of the Rio Grande, one hundred thousand acres; for the establishment and maintenance of an asylum for the insane, fifty thousand acres; for the establishment and maintenance of a school of mines, fifty thousand acres; a school for the deaf and dumb, fifty thousand acres; for a reform school, fifty thousand acres; for an institution for the blind, fifty thousand acres; for normal schools, one hundred thousand acres; for a hospital for disabled miners, fifty thousand acres; for a military institute, fifty thousand acres; for the enlargement and maintenance of the territorial penitentiary, fifty thousand acres. The ancient governor's palace at Santa Fé and all lands and appurtenances connected therewith were also granted to the Territory. The act also specified that it was intended to affect a partial grant only, the question of the total amount of lands to be granted being

A general awakening of public sentiment in regard to the disposition of large bodies of public domain, in excess of the amount allowed to be sold to one individual or association under the act of 1898, followed the celebrated proceedings inaugurated in the fall of 1905 against the representatives of C. L. and D. R. Tallmadge. In the spring of 1903, Chester L. Tallmadge, D. R. Tallmadge, Edwin R. Tallmadge and Benjamin H. Tallmadge, brothers, having headquarters in Chicago, began operations in Pecos valley lands on an extensive scale. Pursuing a custom of long standing, acting upon the suggestion of these men a large number of individuals took up desert land claims in the vicinity of Roswell. The Tallmadge brothers would then secure the assignment of these claims,

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reserved until the admission of the Territory into the Union shall be determined upon by Congress. The lands reserved for university and public school purposes may be leased by this act under such laws as the territorial legislature may prescribe. The act makes it unlawful to cut, remove or appropriate in any way any timber growing upon these lands. Not more than one section of land is to be leased to any one person, corporation or association, and no lease may be made for a longer period than five years. All leases terminate upon the admission of the Territory as a state. All moneys received on account of these lands is placed to the credit of separate funds for the use of the institutions mentioned. The remainder of the lands granted may be sold under such laws as may be enacted by the territorial legislature, provided that not more than one quarter-section shall be sold to any person or association and no sale shall be made for less than a dollar and a quarter per acre, the proceeds of these sales to be placed to the credit of the separate funds created by the act. Under the regulations of the interior department fitting this statute the Territory is entitled to select an equal quantity of land in lieu of mineral lands sold or otherwise disposed of. The character of the selected lands must be determined under the rules governing agricultural land entries.

Pursuant to this Congressional statute the territorial legislature, by act approved March 16, 1899, established a board of public lands, consisting of the governor, solicitor-general and commissioner of public lands for the leasing, sale and general management of all public lands or public funds granted to the Territory. This law created the office of commissioner of public lands, Alpheus A. Keen being the first appointed to that office. The new law withdrew from the market all lands granted by the government, permitted their leasing at an annual rental of not less than two cents per acre for a period not exceeding five years, but provided for the sale, for cash, of not more than twenty-five per cent of all the lands granted which are salable under the Congressional act "at the best price obtainable, which shall not be less than three dollars per acre."

The territorial officers report that New Mexico has been realizing thousands of dollars every year since the passage of the law, which is applied to the public school funds from the leaseings thus far made. The successful outcome of Mr. Fergusson's endeavor to fix the status of these millions of acres of land, some of which is quite valuable, was considered noteworthy by reason of the fact that he was elected as a Democrat and induced a strong Republican majority in Congress to accede to the demands of the people of the Territory as expressed by him.

advertise the land extensively in the east, bring out train-loads of excursionists and effect sales of the lands. They also began operations in the transfer of scrip lands on a large scale.

As the business of this concern increased and the Pecos valley developed as a result, they found they needed more land than they could secure by consignments of claims, purchase of scrip, etc., and, according to the allegations of the representatives of the Federal government, procured a number of "dummy" entrymen upon the payment of a fee of twenty-five dollars each; procured additional land through them, and sold it at from twenty to thirty dollars per acre. So far as is known the amount of land secured from the government by this means was two thousand acres or more.

The case against them was first brought before a United States commission at Portales. In October, 1905, indictments were returned against the promoters of this scheme, three of their dummy entrymen—John F. McGrew, James W. Overstreet and Walter R. Haynes,—and against Carl H. Young, a promoter, and John H. McKinstry, a land agent at Roswell. These indictments were tried on a plea of abatement, the cases were dismissed, new indictments were secured on the ground of conspiracy, subornation of perjury, the latter charges being raised in the case of B. H. Tallmadge, and the case was tried at Roswell in June, Edward L. Medler, assistant United States attorney, appearing for the government. Probably no trial of a case in which the disposal of public lands was involved has ever created such widespread interest and engendered such bitter feeling. Residents of the Pecos valley, witnessing the rapid development of that rich section of country as the direct result of the operations of Tallmadge and his associates, were, as a rule, friendly to the accused men, who were regarded as the instruments through which much of the modern development of the valley had been effected. The action of the federal authorities in interpreting the law literally, combined with the Luna county land case, referred to in preceding pages, and the agitation of the question by the press of the Territory, were in a large measure responsible for the amendment of 1906 to the Fergusson act, authorizing the sale of territorial lands in larger bodies than six hundred and forty acres each, although this amendment did not affect cases similar to that affecting Tallmadge and his associates.

This is but a hint as to some of the more important features of the conditions in the Territory at the close of the eight-year administration of Governor Otero early in January, 1906. The worn-out and utterly disgusted advocates of reform therefore hailed with delight the appointment to the office of chief executive of a man who might enter upon the discharge of his duties with clean hands and free from personal and political obligations to the past. When it was announced from Washington that the choice of the president for this arduous undertaking had fallen upon Herbert J. Hagerman, those citizens to whom honesty and integrity in the administration of public affairs was dearer than the maintenance of "party organization,"—hailed the new governor as their only hope. The very fact that he was young, probably ambitious, untried as a politician, and almost unknown to the rank and file of the party then in power, was regarded as an augury of an improved status of affairs.

Governor Hagerman was slightly over thirty-four years of age at





*Yours sincerely*  
*H. J. Hagerman.*



the time of his inauguration. He was born in Milwaukee, Wisconsin, December 15, 1871, a son of J. J. Hagerman, who became most widely known in New Mexico as the chief factor in the modern development of the great agricultural resources of the fertile Pecos valley. He completed his classical course at Cornell University, and afterward occupied the post of secretary of embassy under two American ambassadors to Russia—Ethan Allen Hitchcock, afterward secretary of the interior, and Charlemagne Tower. At the time of his inauguration he enjoyed the distinction of being the youngest state or territorial governor in the United States.

The young governor knew that grave problems faced him. He knew that upon assuming the duties of the office he would be surrounded almost completely by political enemies. He knew that among the office-holding class those to whom he could turn for advice and information, with the slightest hope that he would not be misled into a path leading to the maze of intrigue and corruption, were few, if, indeed, there were any. He was confronted, at the beginning, with a crisis that would have caused a weak man to falter. His first need was a strong and reliable legal adviser; a man who had not suffered by personal contact with the notorious element whose influence had been paramount in the past, and who, like himself, possessed the courage of his convictions, and honesty of purpose. Soon after entering upon the duties of his office, he, therefore, called to the office of attorney-general, Captain W. C. Reid, a personal friend in whom he had confidence, one of the younger lawyers of the Territory, but a man of recognized ability, honest, courageous and fearless.

The new governor began the fulfillment of his mission by requesting the resignation of a number of territorial officials, the conduct of whose office had been reprehensible to a greater or less extent. In their places he appointed men who bore reputations for integrity and ability. While the majority of the new appointees were of the governor's party, some were Democrats. Fitness for the office in question appeared to be the chief qualification demanded. For the first time in the history of New Mexico he compelled the arrogant Standard Oil Company to abide by the law relative to the inspection of its product. Until the beginning of his administration, not a gallon of oil entering the Territory had been inspected by the officials who had sworn to fulfill the duties of their office. An investigation into the management of the penitentiary at Santa Fé disclosed abuses. The physical conditions were vicious and the discipline lax, the inmates had not been properly employed, and it was found that out of the sum of about twenty-five thousand dollars received from the sale of lands, directed by the law to be devoted to the expense of permanent improvements, literally "for the enlargement and maintenance of the territorial penitentiary," twenty thousand dollars or more had been diverted to other purposes, without legal warrant, in excess of the moneys appropriated by the legislatures for that purpose.

The chief warden of the penitentiary, Henry O. Bursum, had become firmly established in power as the head of the ring which had been exploiting the finances of the Territory. Bursum was a political product of Socorro county. At the beginning of the Hagerman administration he was chairman of the territorial Republican central committee, and without doubt the most potential factor in the territorial Republican organization.

He not only dominated the legislature, but exercised his influence over Governor Otero. One of the first acts of the new governor was to remove Bursum and appoint in his place Captain Arthur Trelford, an expert prison authority from the federal penitentiary at Leavenworth, Kansas. A few days later Bursum's "vindication" followed in the form of his election to the mayoralty of Socorro, his home town. Alarmed at the prospects, Elfego Baca of Socorro, district-attorney for Socorro county, anticipated his removal on the charge of corrupt practices by telegraphing his resignation to the governor. Other resignations and removals followed quickly upon the heels of those referred to, and the vaunted strength of the organization waned in proportion as the sturdiness, independence and public spirit of the fearless new executive became more apparent. The faint spirit of resistance was overwhelmed by the tidal wave of purity in politics.

The legislature of 1905 engaged in more corrupt practices in the way of the use of the people's money, probably, than any of its predecessors for many years. As an example of the prodigality with which they disposed of the territorial funds the following inspired article, published at the same time in Santa Fé and Albuquerque newspapers, affords a sufficient exposition: "The people of the Territory are, by this time, quite familiar with those acts of the last territorial legislature known as joint resolution No. 1 and joint resolution No. 7, but they are not entirely familiar with the amount of money paid out under those resolutions, and the method of 'auditing' the bills incurred by virtue of those resolutions. Joint resolution No. 1 reads as follows: 'Be it enacted by the thirty-sixth legislative assembly of the Territory of New Mexico: C. J. R. No. 1, approved January 18, 1905: That there is hereby appropriated out of any moneys in the territorial treasury for the payment of the contingent expenses of said legislative assembly, during the (60) sixty days thereof, the sum of twelve thousand (\$12,000.00) dollars, or so much thereof as may be necessary, six thousand (\$6,000.00) dollars of which shall be expended under the direction of the chairman of the finance committee of the house of representatives, and six thousand (\$6,000.00) dollars under the direction of the chairman of the finance committee of the legislative council, who shall respectively cause to be kept an accurate and true account of all disbursements made hereunder, and shall cause to be made a certified report to the president of the council and speaker of the house of representatives of all such disbursements so made, and the receipts therefor; and the treasurer of the Territory is hereby directed to pay out of any moneys in the treasury such sums so stated to the order of the said chairman of the finance committee of the house of representatives and to the chairman of the finance committee of the legislative council, upon presentation of a certified copy of this resolution.' All that there is to show in the territorial offices for the expenditure, under this resolution, of twelve thousand dollars, is a certified copy of the resolution. This certified copy is signed in type-writing by J. S. Clark, the president of the council, Owen, clerk of the council, Carl A. Dalies, speaker of the house and Armijo, clerk of the house, and by Governor Otero, the whole certified by the secretary of the Territory. On the back of this certified copy are two endorsements stamped and written as follows: 'Received of W. G. Sargent, territorial auditor, January 18, 1905, warrant No. 10,920, six thousand dollars in full pay-

ment of within account, payable to chairman of finance committee of council. John S. Clark, president council.' 'Received of W. G. Sargent, territorial auditor, January 18, 1905, warrant No. 10,922 for six thousand dollars in full payment of within account. Payable to chairman finance committee of house. Carl A. Dalies, speaker of the house.' Six thousand dollars of this money was paid to W. E. Martin, chairman of the finance committee of the council, and six thousand dollars to Granville Pendleton, chairman of the finance committee of the house, and what they did with it is not known. If they used it for the payment of contingent expenses why do they not make a report and furnish proper vouchers? The above is absolutely all that, up to date, can possibly be found to account for the expenditure of twelve thousand dollars under joint resolution No. 1. Joint resolution No. 7 reads as follows: 'Be it resolved by the council thirty-sixth legislative assembly of the Territory of New Mexico, the house of representatives concurring herein: That the president of the council shall appoint three committees of the council and the speaker of the house of representatives shall, in a like manner, appoint three committees of the house; the numbers as to membership of said committees to be designated by the president of the council and the speaker of the house of representatives respectively, to act as joint committees for the purpose of inquiring into and inspecting and reporting to the governor of the Territory, at the most convenient time during this session, the condition, management, prosperity and needs of the various territorial institutions. That the chairman of the finance committee of the council and the chairman of the finance committee of the house of representatives are hereby designated as an auditing committee to examine and audit the expense accounts of said committees and all accounts for printing and contingent expenses of said legislative council and house of representatives, and shall certify to the correctness of same, setting forth the amounts due to the territorial auditor, who shall, upon presentation of same, draw his warrants for such amounts so set forth upon the territorial treasurer, who shall pay same out of any funds in the territorial treasury.' To show for the expenditures under joint resolution No. 7, there are four papers in the territorial offices, the first of which is as follows:

Santa Fé, N. M., Feb. 23, 1905.

Territory of New Mexico, Dr.—

To auditing committee, Thirty-sixth legislature. To services of, and traveling expenses incurred by committees and clerks in visiting and examining and inquiring into the management, conditions and requirements and needs of the several public institutions of the Territory of New Mexico, and contingent expenses of the council and house, as provided and directed by and under council substitute to amend house substitute for house joint resolution No. 4, four thousand dollars.

We hereby certify the above amount to be true and correct.

W. E. MARTIN,  
Chairman Finance Committee Council.  
GRANVILLE PENDLETON,

Chairman Finance Committee House of Representatives.

"This paper has nine different indorsements signed W. E. Martin for different amounts aggregating four thousand dollars, but what he did with the money he has not reported, or if he has reported, the report cannot be found. The second and third papers are the bills for the printing of the governor's message in Spanish by the *New Mexican*, owned principally

by Maximilian Frost, the house and council bills in Spanish and the reports of the auditor, the board of public lands and the territorial treasurer, in amounts as follows:

Governor's message in Spanish.....	\$2,661.37
House bills in Spanish.....	1,370.21
Council bills in Spanish.....	1,080.30
Auditor's reports .....	723.45
Board of Public Lands reports.....	473.58
Treasurer's reports .....	743.00

Amounting to ..... \$7,051.91 .

These items were certified to by the chairman of the finance committees, and paid before the type had been set for the governor's message in Spanish; the amount paid being immeasurably in excess of any reasonable figure which should have been paid.

"The fourth paper is a modest request for eleven thousand dollars of the territorial funds. The document is as follows:

"To the Honorable Territorial Auditor, Santa Fé, N. M.

"Sir: We, the undersigned, chairman of finance committee of the council, and chairman of finance committee of the house of representatives of the Thirty-sixth legislative assembly, by and under the provisions of council substitute to amend house joint resolution No. 4, pursuant to the authority therein vested to the undersigned, do hereby certify that we have on this 13th day of March, A. D. 1905, audited and allowed contingent expenses of the Thirty-sixth legislative assembly to the amount of eleven thousand dollars, and hereby request that you draw your warrant upon the territorial treasurer in accordance and under the provisions of said resolution.

W. E. MARTIN,

*Chairman Finance Committee Council.*

GRANVILLE PENDLETON,

*Chairman Finance Committee, House of Representatives.'*

"Referring also to joint resolution No. 7, it has four indorsements by W. E. Martin, chairman of the finance committee of the council, aggregating six thousand dollars, and one by Granville Pendleton, chairman finance committee of the house, for five thousand dollars. There is nothing on the public records to show what Messrs. Martin and Pendleton did with any of this money. It will thus be seen that, in addition to the twelve thousand dollars appropriated for contingent expenses of the legislative assembly by joint resolution No. 1, eleven thousand dollars more were taken under joint resolution No. 7 for the same purpose, making in all twenty-three thousand dollars spent for the contingent expenses of the legislature. Four thousand dollars were spent for the trip to the territorial institutions and \$7,051.91 for printing outside of the regular appropriation for public printing, making \$34,051.91 spent under these two resolutions, for which, up to date, there has been found absolutely nothing whatever in the territorial records to show in the way of accounting, except the very loose reports contained in the papers referred to for the printing part of it.

"Under the theory by which the governor, secretary and auditor of the territory passed upon the fourth paper, drawing eleven thousand dollars for contingent expenses under resolution No. 7, the auditor could have paid out to the chairman of the finance committee of the legislature

every cent of money there was in the territorial treasury, if he had been requested to do so by them, with as much color of regularity as he paid out the eleven thousand dollars."

In his efforts to save to the Territory as much of its lands as it is possible to do under the laws, Governor Hagerman found himself strongly sustained by the department of the interior, which left much to his discretion in the matter, the chief stipulation being that he permit no violations of the Federal law regulating the control and irrigation of lands. The irrigation commission created by the territorial legislature was essentially a reclamation bureau. His first practical step toward stopping the illegal disposition of these lands was to prohibit the further meetings of the irrigation commission, and vesting in the land commissioner, Alpheus A. Keen, full authority as agent for the United States land commission. He found that by the provisions of a territorial law which sought to evade the restrictions imposed by Congress, pasturage permits, covering large areas, were authorized, whereas the law of 1898 allowed the leasing of but six hundred and forty acres to any individual or corporation. Though this provision of the law had now become recognized as unwise, Governor Hagerman determined to enforce it; and the interior department having ruled that permits were essentially leases and contrary to the law, he revoked permits affecting about four hundred and fifty thousand acres of land, thereby cutting off the income to territorial institutions which accrued from these leases. This done, he sought relief from Congress, which in the spring of 1906 amended the law of 1898 by allowing the leasing of large parcels of land under certain conditions—a thing which had been done without warrant of law during the Otero administration.

*Prima facie* evasions of the section of the act of 1898 permitting the sale of but one hundred and sixty acres to one person or association of individuals had been effected. These procedures were investigated by a special agent of the interior department, who reported that, in one important case, already referred to, a large number of applicants for the purchase of lands signed their applications at the request of the attorney for J. S. Delamater, as trustee, and that they likewise executed deeds transferring their interests in the lands, when acquired, to Delamater. In one case as many as one hundred and forty individuals made applications for lands, which were granted, the deeds to the corporation seeking in this manner to acquire title being recorded upon the same day. Under the amended law, while the fee to such lands remains vested in the Territory, grants of tracts in excess of one hundred and sixty acres may now be made, under certain conditions, which, if violated, may be followed by revocation of the grant by Congress. Though hundreds of thousands of acres of valuable timber lands passed into the control of corporations, by devious channels, in evasion of the apparent spirit of the law, during the Otero administration, Governor Hagerman put a stop to further transactions of this character. However, he recognized the question as to whether the Territory, though not authorized to sell the timber land in excess of one hundred and sixty acre tracts, might not sell the timber itself, leaving the land still in possession of the Territory. The assignment of school lands likewise remains unsettled.

It will thus be seen that Governor Hagerman has set his hand to a task of gigantic proportions. With the support of a legislature in sym-

pathy with his proposed further reforms, the undertaking might be greatly simplified. But if the legislature antagonizes him at every step the problem will increase in its seriousness. The question of equality in taxation is one which will demand his attention. All efforts to procure a more nearly equitable valuation of the property of the railroads, the great lumber companies and the other special interests have failed. The influence of the railroad corporations in the legislature, through their local agents, has been paramount up to this time. The operations of the territorial board of equilization have proven a farce.

The decent, honest element has become apathetic after years of dismal failure in its effort to bring about reform in the administration of public affairs. That the moral sense of a great proportion of the people has become blunted, even deadened, is shown by the fact that not only are the corrupt officials who have been removed by Governor Hagerman lauded as heroes and martyrs and in some cases returned to posts of honor in their home communities, but that they are frequently retained on the pedestal in social affairs as well. The younger generation, as a whole, graduates from the political school lately at the forefront, is little, if any, better than the generation which soon must retire. The only present hope of the people who are supporting the government lies in the young man who became governor at the beginning of the year 1906. One of the principal questions of those not in the confidence of the deposed political ring is: "Will the ring, as a last resort, endeavor to unseat enough legally elected representatives in the legislature, if necessary, to enable them to nullify the veto power of the governor?"

The history of politics in New Mexico since the establishment of civil government, in 1851, is not an unbroken record of integrity and devoted public spirit. Twice only since the foundation of the Republican party—during the administrations of President Cleveland—have Democratic executives been installed in power; and throughout one of these administrations, that of Governor Edmund G. Ross, the most important acts of the executive were easily nullified by a pliable and utterly corrupt legislature created by the unseating of a sufficient number of men of doubtful subserviency to render the herding of the entire body easy and certain. Now, with an untried young man in the executive office, the old tactics employed for the defeat of Governor Ross apparently are about to be revived. But as the intentions of Governor Hagerman become more apparent, new friends are arising in various portions of the Territory, determined to join hands with him in his fight against corruption, and assist him in his efforts to right the wrongs, which for so long a period, the public has suffered.

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For the first time in the history of the nation, the President, in May, 1906, elected a citizen of a territory of the United States for the Federal bench, when President Roosevelt sent to the senate the nomination of Bernard S. Rodey, of Albuquerque, to be judge of the district court of Porto Rico. A noteworthy fact in connection with this appointment was that not only was the appointee a native of a foreign country, but during all the years of his American citizenship his residence in a territory has prevented him from exercising the privilege of voting for any candidate



for the presidency. In this respect his status is undoubtedly anomalous among occupants of the Federal or quasi-Federal bench.

For many years Judge Rodey has been one of the most conspicuous figures in political life in New Mexico. He was born in county Mayo, Ireland, in 1856. In 1862 he was brought to Canada by his parents, and subsequently resided with them in Vermont, where he was reared to a farming life. He began his independent career as a stenographer and clerk in a railroad office in Boston, Massachusetts, where he also began reading law. In the spring of 1881 he came to Albuquerque as private secretary to and stenographer for the general manager of the Atlantic & Pacific Railroad, and a year later was appointed official stenographer for the second judicial district of New Mexico. Other lawyers say that he was one of the most expert stenographers in the country. In the meantime he continued his self-education in the law, was admitted to the bar in 1883, and has since practiced continuously in Albuquerque, with the exception of the time devoted to his official duties as delegate in Congress. Many of his professional contemporaries, and many more laymen, have paid him the compliment of characterizing him as an absolutely honest lawyer—a compliment that is best appreciated by those only who have a clear conception of the nature of the environments of men in public life in New Mexico. While a member of the territorial council he introduced and secured the passage of a large number of laws that were of the highest importance to the legal profession, and several laws for the general advancement of the public interests, notably that establishing the College of Agriculture and Mechanic Arts. He also framed the New Mexico constitution of 1889, which formed the groundwork of the proposed state constitution of 1906.

Mr. Rodey served as delegate in the fifty-seventh and fifty-eighth Congresses, to which he was elected as the nominee of the Republican party. The greatest effort of his life, an incident most noteworthy in the annals of the southwest, was the historic fight made by him in behalf of the application of New Mexico for statehood. No other man in either of the territories of New Mexico and Arizona has made so exhaustive a study of political and economic conditions in the southwest, and his knowledge of the needs of his own territory is most comprehensive and absolute. He was a candidate for a third term as delegate, in response to what appeared to be an overwhelming sentiment in the ranks of his party. This campaign included a dramatic incident which is probably without parallel in the annals of American politics.

During his two terms in Congress at the almost complete sacrifice of his small, though independent fortune, accumulated during a legal practice of nearly a quarter of a century, he waged the most aggressive fight for statehood for New Mexico that has ever been known to follow the application of any territory for commonwealth rights. There appeared to be no opposition whatever to his renomination and re-election in event that he might bring the historic contest to a happy conclusion. On the Saturday preceding the Republican Congressional convention of Monday, September 12, 1904, every newspaper in the Territory announced that his nomination was a foregone conclusion. No such thing as a contest was anticipated, outside of the ring of territorial officials responsible for his downfall. But an ambitious political rival had been at work insidiously;

and while ostensibly assisting in the work of conducting the preliminary campaign in behalf of Judge Rodey, and himself an instructed delegate on his own motion, he had been planning a coup for the defeat of the candidate of the people. Two or three days prior to the convention a prominent Federal official asked Judge Rodey if he would allow the caller the honor of presenting his name to the convention. When the convention was called to order the friends of Judge Rodey believed that all that would be necessary for his nomination was roll call. But unknown to them the opposition—made up almost entirely of members of the office-holding combination, who theretofore had fought against statehood because of the fact that a successful issue would deprive them of their offices, held under appointment—had obtained proxies of a majority of the delegates on the promise that they would be voted for Judge Rodey; and when the hour for the selection of the candidate came the name of W. H. Andrews, of Pennsylvania, was placed before the convention by the Federal official, who, a few days before, had asked Judge Rodey to be allowed the honor of naming the latter. The proxies were voted for Andrews, who received the nomination. So suddenly and so silently was the thing done that the whole territory was amazed, fairly stunned. The bitterness engendered by this unlooked for incident brought forth charges of treachery during the campaign that followed which well-nigh resulted in the disruption of the Republican party in New Mexico. Judge Rodey became an independent candidate; but the majority of the malcontents were whipped or cajoled into line and Andrews was elected. But Judge Rodey, faithful to the cause so near to his heart and for which he had sacrificed practically all his personal interests, went to Washington as the advocate of statehood and watched every maneuver in the historic contest of 1905-6, working day and night for the success of a measure which would relieve New Mexico of the tremendous burden thrust upon it and maintained by the special interests and the legislative majority which it is believed they have controlled for many years.

Hon. William H. Andrews, of Albuquerque, elected territorial delegate to Congress in 1904 and 1906, was born in Youngsville, Pennsylvania, January 14, 1842, and acquired a public school education. He has figured prominently in the history of material development and political progress in New Mexico and is president of the Santa Fé Central Railway Company, which three years ago built a New Mexico line from Santa Fé to Torrance. He is also identified with a number of other important interests in New Mexico bearing upon its improvement and its activity.

During the years of his residence in Pennsylvania, Mr. Andrews was an influential factor in the politics of that state and served as chairman of the Pennsylvania Republican state central committee in 1889 and 1890. He represented his district in the state house of representatives in the same years, was elected to the state senate, where he served from 1895 until 1898, and was again chosen representative for the years 1901-2. Coming to New Mexico, he was elected and served as a member of the New Mexico council in 1903-4, and in the latter year was elected delegate to Congress. He is widely known in political circles throughout the country and his opinions have frequently been a decisive factor in momentous political questions, both in his native state and in the Territory.

Morgan O. Llewellyn, of Santa Fé, has filled the office of surveyor





*JW Reynolds*

general of New Mexico since January 29, 1902. He is a son of Major W. H. H. Llewellyn, of Las Cruces, United States attorney for New Mexico, and was born at Omaha, Nebraska, in 1879. Since 1881 he has been a resident of the Territory. He was educated in the public schools of Las Cruces and the College of Agriculture and Mechanic Arts, where he received two years' instruction in assaying and chemistry. For a brief period he acted as deputy collector of United States customs, at Columbus, New Mexico, and also devoted some time to mining in the San Andreas mountains. He was made a Mason in Montezuma lodge at Santa Fé in 1903. His political support is given to the Republican party and he is now serving his second term as surveyor general under re-appointment of date January 29, 1906. Mr. Llewellyn is one of the best type of representative men of the younger generation in New Mexico.

Captain William C. Reid, attorney general of New Mexico, was born in Indiana, December 16, 1868. He read law and in 1894 was admitted to the Ohio bar. Believing that the southwest offered a good field for professional labor he came to New Mexico in March, 1895, settling in Las Vegas. For one year thereafter he was business manager for the *Optic*, published in that city, at the end of which time he entered upon the active practice of law in Las Vegas. In 1896-7 he served as chief clerk in the house of representatives in the territorial legislature, and in 1901 he was appointed assistant United States attorney, which position he resigned in September, 1904, in order to give undivided attention to the private practice of law. On the 1st of January, 1903, he located in Roswell and on the 1st of April of the same year became a partner in the law firm of Richardson, Reid & Hervey. He has since been attorney for the Pecos Valley and Northeastern Railroad Company.

In politics Captain Reid is a Republican. His military title was conferred upon him in 1898, being commissioned captain by Governor Otero upon the organization of Company F of the First Territorial Infantry, June 28, 1898. The regiment was mustered in for service in the Spanish-American war and went as far as Georgia, where it was stationed until the close of hostilities. Captain Reid became attorney general upon the request of Governor Hagerman in June, 1906.

Among the younger generation of men who have occupied distinctive positions in New Mexico during later years is James Wallace Raynolds, secretary of the Territory. He was born in Pueblo, Colorado, in 1873, a son of Jefferson Raynolds, president of the First National Bank, of Las Vegas. In 1891 he entered the Massachusetts Institute of Technology, being graduated in the mining engineering course in 1896. In 1897 he became assistant secretary of the Territory under George H. Wallace and one year later he entered his father's bank. Upon the death of Secretary Wallace, in 1901, President McKinley appointed him to fill out the unexpired term, and in December of the same year President Roosevelt appointed him to the office for the full term of four years, re-appointing him to a second term in December, 1905. The biennial report and legislative manual of 1905 prepared by Secretary Raynolds, is in many ways the most comprehensive official publication issued in New Mexico, containing, as it does, the results of the labors of the former secretary, William G. Ritch, brought down to the date of publication.

Theodore B. Mills, deceased, was for many years one of the strong

and striking characters in public life in New Mexico, coming to the Territory in 1878 and purchasing the hot springs near Las Vegas. A year later he sold this property to the Santa Fé Railroad Company and afterward engaged in the purchase and sale of mining lands and other real estate. For years he was recognized as one of the leaders of the Populist party in the Territory. Mr. Mills was one of the most prominent Masons in New Mexico, having taken all the degrees of the York Rite. He was made a Knight Templar in 1862. Mr. Mills was a native of Ashtabula county, Ohio, and finished his education at Oberlin College. In 1857 he engaged in contracting and building in Kansas, and entered the Kansas Volunteers for service in 1861. He assisted in recruiting several Kansas regiments and finished his service in the Fourth Indiana Infantry. After the war he was in business for several years in Topeka, and served in the Kansas legislature. From 1871 to 1878 he was engaged in the real estate business in Little Rock, Ark. He had a fine private library and was a man of cultured tastes.

Colonel J. F. Bennett, deceased, who in 1897 was appointed vice-consul-general to Mexico by President McKinley, was for many years one of the most conspicuous citizens of New Mexico. He was descended from Revolutionary stock. With four of his brothers he fought on the side of the Union in the Civil war, after which in 1866, he located at Las Cruces, where he engaged in merchandising and mining. President Grant appointed him consul at Chihuahua, and in New Mexico he served as probate clerk and probate judge of Doña Ana county, clerk of the United States district court, commissioner of the court of claims, United States commissioner and agent for the Mescalero Apaches. While a member of territorial council in 1871-2 he introduced in that body the historic school law passed at that session. In politics he was a strong Republican. He was one of the founders of Silver City, the discoverer and original locator of the famous Bennett mine in the Organ mountains, one of the owners of the Longfellow group of copper mines at Clifton, Ariz., and the organizer and first president of the El Paso Transfer Company at El Paso, Texas.

Silas Alexander, who was territorial secretary of New Mexico under President Harrison, was born and educated in the state of Pennsylvania, was admitted to the bar there in 1876, and after practicing five years in Colorado came to Kingston, N. M., in 1882. He was engaged in practice there and at Hillsboro until 1892, when he received the appointment as secretary of the Territory. He was located at Socorro for ten years, and since 1903 has been in Hillsboro. He served as deputy county clerk of Sierra county for eight years, 1885-92, and was territorial district attorney for the counties of Socorro and Lincoln three years.

Among those who were killed by the Indians during the troublous times of the eighteenth century was Don Luis Maria Cabeza de Vaca, who came from Spain with his wife, and settled at Peña Blanca. He held a commission as a captain-general in the Spanish army and was a man of great intelligence in his day. His descendants were numerous and many of them became prominent in public life in the territory. Among the third generation of his progeny was Isabel Cabeza de Vaca, who became the wife of Jose D. Sena, one of the best known men in public affairs during the latter half of the nineteenth century.

Captain Nicolas Ortiz, who was a captain and lieutenant-general in the Spanish army for several years with headquarters at Santa Fé, came from Spain about the same period. He is said to have received from the Spanish government the Caja del Rio grant, which afterward became the subject of prolonged and futile litigation. Four hundred and sixty-five heirs have laid claim to titles in this grant by right of inheritance.

Major Jose D. Sena, deceased, was for many years one of the most widely known and highly esteemed native residents of New Mexico. He was a lineal descendant of the historic families of Sena, Allarid and Ortiz. Bernardino de Sena, the founder of the Sena family in New Mexico, came from Spain in 1654 and settled in Santa Fé. Juan Batiste Allarid, the founder of the family of that name, also came from Spain at an early day and located in Santa Fé.

Major Sena was born in Santa Fé in 1836, and was favored with a fine education in both Spanish and English. During the Civil war he enlisted in defense of the Union and joined the regiment organized by the famous scout, Kit Carson, in which he was made major. He served in the engagements in which that regiment participated, and after the close of the war was placed in charge of the work of re-building Fort Marcy, at Santa Fé, which had been destroyed by the Confederates during the expedition to the northern part of the Territory.

He served as register of the United States land office at Santa Fé from 1874 to 1878; was clerk of the territorial council in the twenty-second and twenty-seventh legislative assemblies and of the house during the twenty-eighth session; was sheriff and collector of Santa Fé county for twelve years; for twenty years served as court interpreter; and at one time was the Republican nominee for delegate to Congress from New Mexico. He qualified for the practice of law and practically his entire life was devoted to practice and to public office. He became one of the most widely known men in New Mexico. His death occurred in 1892.

One of his sons, Mariano F. Sena, was born in Santa Fé in 1861, was educated in Jesuit College, at Las Vegas, and for three years was deputy in the probate clerk's office in Valencia county. He is now engaged in the real estate and stock commission business in Santa Fé as the partner of Charles F. Abreu.

The younger son, Jose D. Sena, who has been clerk of the supreme court of New Mexico since June, 1898, was born in Santa Fé in 1867, and was educated in St. Michael's College, at Santa Fé, at the Las Vegas College, and the St. Louis University, being graduated from the last named in 1885. After teaching in St. Catherine's Indian School in Santa Fé for two years he acted as interpreter for the United States Indian agency at Santa Fé for a year and a half and then became private secretary to Governor Prince, filling that position for about three years. The year following he was engaged in business in San Miguel county, after which he became chief clerk in the auditor's office from April, 1892, until 1896, being the first to fill that position. He was elected to the house in the thirty-second legislative assembly (1897), serving one term, and was made secretary of the commission, appointed in that year to compile the laws of New Mexico. In June, 1898, he received the appointment of his present important position. Mr. Sena has also acted as interpreter for the first district court. In local public affairs he has exhibited a keen interest.

He was a member of the first school board of the city of Santa Fé and is now a member of that body. He also filled one term as alderman of his native city. A staunch Republican and a master both of the English and Spanish tongues, he interpreted one hundred and ninety-eight speeches in one month during the exciting congressional campaign of 1904, excelling the highest record in this work up to that time. Mr. Sena is personally known to all the attorneys of New Mexico who practiced before the supreme court and has won their regard and good will by his courtesies to them. He is a representative of the best type of the active generation of native-born citizens.

By legislative enactment in 1905 the association known as the New Mexico Mounted Police, popularly called the New Mexico "rangers," came into effect. The law provided that the organization should consist of a captain, a lieutenant, a sergeant and eight privates to be armed with breech-loading rifles and six shooters, and mounted, while authority was conferred upon them to arrest criminals in all parts of the Territory. John J. Fullerton, the first captain, resigned his post in the spring of 1906, and Frederick Fornoff was appointed to his place, taking possession of the office April 1, 1906.

Captain Fornoff has been a resident of New Mexico since the spring of 1880, and by reason of his experience was found to be finely qualified for the office. For a few years he had been engaged in mining and logging in the northern part of the Territory. In 1888 he became a member of the Albuquerque police force, and from 1891 until 1898 served as city marshal. At the outbreak of the Spanish-American war he enlisted with Troop H, of the Rough Riders, serving throughout the campaign in Cuba. Upon his return he received a commission as deputy United States marshal, which office he filled until his appointment to the captaincy of the mounted police. Captain Fornoff bears the reputation of being one of the most fearless officials connected with the various policing departments in the territory.



## BENCH AND BAR

The Mexican federal constitution of 1824 introduced two general orders of tribunals—those of a federal or national character, and those of the states. The power of these judiciaries reposed in a supreme court and in circuit and district courts. Causes were carried from one to the other according to the nature of the transactions involved. But the jurisdiction of these courts was not paramount, inasmuch as large numbers of the inhabitants were exempted by *fueros*, or special privileged jurisdictions, from the control of the constitutional courts. There was a common military *fuero* in civil and criminal matters, which permitted the parties to have their causes tried before the commanding generals, with appeals to the supreme tribunal of war and marine. There was another right of trial, or jurisdiction for military misdemeanors, before the Council of War of general officers. Besides these, there were three special *fueros* of war—artillery, engineers and active militia.

The ecclesiastical *fuero* provided for an appeal from the bishop to the metropolitan, or from the archbishop to the nearest prelate.

Notwithstanding the fact that these two fundamental *fueros* were permitted to exist by special favoritism after the formation of the republic, after 1824 the mercantile and mining tribunals, whose foundations had been laid on the best principles of jurisprudence, were suppressed. To compensate for the destruction of such useful tribunals, it was determined that in the federal districts and the territories suits arising from mercantile transactions should go before the *alcaldes*, with whom were associated two colleagues proposed by the parties to the action, and from whom an appeal to the supreme court might be taken. A primary tribunal for the trial of criminals consisted of an *alcalde* and two *regidores*. Appeals from this court lay to another court similarly constituted. This police court, which was afterward somewhat modified, summarily disposed of the majority of malefactors.

By the central constitution of 1836 this judicial system was modified by the establishment of judges *de partido* and a supreme court. The Federal jurisdiction was confined to admiralty cases, fiscal transactions and causes affecting public functionaries, while the military and ecclesiastical tribunals remained as they were. During his last administration Santa Ana suppressed the district and circuit courts, and extended the jurisdiction of the common tribunals. In response to a loud popular demand, he finally consented to restore the mercantile and mining *fueros*. Throughout all the changes in the forms of the courts one useful provision was preserved. This was the "judgment of conciliation," by which litigants were prohibited from originating an action until they had procured a certificate from an *alcalde* to the effect that a judgment by arbitration or conciliation had failed in the trial before him.

Thus, in brief, were the courts of the Territory organized and operated when General Kearny promulgated what has since been known as "the Kearny Code."

The genesis of the bar in New Mexico was unique in the history of the United States. So simple was social life in Mexico during the days of empire and the regime of the early republic that there was little work for the legal profession. Lawyers were hardly known. The priests were the advisers of the people in matters pertaining to the disposition of property, and the *alcaldes* knew little of law. But the people, as a rule were law abiding, and recourse to the courts was infrequent. As a rule minor disputes were compromised through the offices of the clergy. Important controversies concerning lands generally went before the governor for final settlement, and his word was usually a law in itself.

Following the American occupation during the first year of the Mexican war came a revolution in social manners and customs, especially in the centers of population. The provisional code promulgated by General Kearny, September 22, 1846, and the Organic Act of 1850, followed by the appointment of federal officials, resulted most naturally in the enactment of statutes which radically modified the old Spanish law and substituted laws similar to those which governed the eastern states. The phraseology of some of these statutes was exceedingly crude, and frequently quite beyond the comprehension of the average human mind. Even in cases where a fairly learned American lawyer might be able to interpret the law, the Spanish translations were frequently obscure. The original Spanish was often much worse than the translations. One statute, enacted in 1852, was drawn originally in English by an eastern lawyer, was translated into Spanish by a German, and was finally passed in that form. Within a few months after the promulgation of the Kearny Code it became evident that the jurisdiction of the courts was very limited, especially in the event of a conflict between the civil and the military authorities. Complaint was made that the powers properly falling under the jurisdiction of the civil tribunals were arrogated by the military, bringing the former into contempt and paralyzing the civil government, which was subservient in all ways to the military authorities. Even in common criminal matters the civil court bowed to the will of the military on some occasions.

Until the advent of the railroads, late in the '70s, few lawyers had located in the Territory. During the early days of American occupation there was a continued conflict between those who were inclined to consider the rules and principles of the common law as having accompanied the Organic Act, and those who regarded the Spanish civil law as still in force. The judges who were appointed to the New Mexico bench from eastern states knew practically nothing of the Spanish and Mexican laws, and some of them—it is a deplorable fact—knew little of American law. One who afterward became recognized as an able lawyer confessed that when he came to the Territory his knowledge of the science was utterly superficial; but after ascending to the bench he became an indefatigable student and finally ranked among the really capable lawyers of the territory.

The condition noted was remedied in 1876, when the common law, as recognized in the states, was declared by statute to be the rule of practice and decision. "The common law thus adopted," wrote John H. Knaebel,

"included many antiquated rules and doctrines at law and in equity which as early as 1876 had been subjected to severe pruning and amendment in most of the eastern states, as well as in England. The courts of New Mexico were at liberty to introduce such changes merely because the legislatures of many states had made then. Consequently, New Mexico was put in the predicament of ignoring the old law which her native population had lived under for centuries, as the same had from time to time been modified by Spanish and Mexican authority, and of following a strange system of jurisprudence and practice which they were too blind to see and too unprepared to learn. Indeed, few learned lawyers, even of the older states, were in 1876 acquainted, except theoretically and very scantily and superficially, with many of the rules and doctrines thus summarily introduced into New Mexico in that year."

With the influx from the states following the construction of the railroads into the Territory, many new attorneys entered the field, some of whom were men of splendid ability. But in spite of their knowledge of the law, they were in many instances ignorant of the prevailing condition, and confusion in the courts followed their appearance there in the trial of cases. While Frank Springer and other practitioners accomplished much in the reformation of the laws and methods of procedure, it was not until the organization of the Bar Association in 1886 that systematic efforts toward that end were made. Probably no other association in the United States has accomplished more in securing legislative enactment of a beneficial character.

The New Mexico Bar Association was organized at Santa Fé at a preliminary meeting held for that purpose January 19, 1886, and was among the first of the state or territorial associations to be organized west of the Mississippi river. Of the thirty-eight state and territorial associations of the United States, nineteen were organized before the date of the organization of the New Mexico association, and seventeen at a later date. At the preliminary meeting referred to Hon. William A. Vincent, of Las Vegas, ex-chief justice, was elected president, and Hon. Frank W. Clancy of Albuquerque was elected secretary. There were twenty-nine original members. The association was formed "to cultivate the science of jurisprudence; to promote reform in the law; to facilitate the administration of justice; to elevate the standard of integrity, honesty and courtesy in the legal profession; to encourage a thorough and liberal legal education, and to cherish a spirit of brotherhood among the members thereof." The minutes of the very first meeting show that Colonel William Breeden, then attorney general, offered a resolution eulogizing the members of the supreme court, at that time being Judges Long, Brinker and Henderson, and urging that their nominations, then pending before the senate, be confirmed. At the next session, held in 1887, Hon. William A. Vincent, first president of the association, was strongly indorsed by a resolution for the position of judge of the fourth district. These actions on the part of the association led to the adoption of the amendment providing that the association "shall not indorse or recommend any person for any official position."

The session of 1887 was memorable by reason of the fact that during the meeting a strong memorial was passed urging upon Congress the necessity of a Federal law providing for the settlement of titles under the

Mexican and Spanish land grants. At the session of 1888 Hon. Bernard S. Rodey made a report for the committee on legal education which resulted in the adoption of a rule making the standard for admission to the bar of New Mexico as high as in any jurisdiction in the Union, although it does not require as a prerequisite that the applicant shall be a graduate from any literary college. At the session of 1890 Hon. Frank Springer, the retiring president, delivered an address which dealt entirely with the question of the urgent necessity for the immediate settlement by Congress through a proper tribunal of titles under Spanish and Mexican land grants. This address was deemed so important by the association that the address was printed and distributed among members of Congress and filed with the land department at Washington. It resulted in the establishment of the Court of Private Land Claims the following year, through which all these land claims have since been happily settled. There was also prepared at this session and presented to Congress the draft of a bill providing for the creation of two new district courts and the appointment of two new additional justices on the supreme bench. This action resulted in the creation of the fifth judicial district.

At the session of 1894 a resolution was adopted recommending a civil code, and a committee was appointed to draft the same and present it at the next meeting of the association. At the session of 1895 this committee reported a draft of the proposed code, and its consideration was made the special order for the whole meeting. It was finally recommended for passage to the legislature after numerous amendments had been made. The measure was defeated in the lower house in the legislature, however. At the succeeding session the association passed a resolution urging the New Mexico delegate to Congress to procure an act providing for a separate supreme court. In 1897 and 1898 another very strong memorial to Congress was adopted urging the creation of such a court. The Territorial legislature of 1897 adopted the code recommended by the association without making any changes therein; and at the meeting of the association in 1898 the supreme court appointed a committee of the association to draft new rules to conform to the code. This was done and the rules were adopted by the court without change.

In 1901 by request of the supreme court the association prepared a programme for "Marshall Day" exercises on February 4th following. These were held in the capitol building at Santa Fé, where addresses appropriate to the occasion were made by Chief Justice William J. Mills, Hon. Frank Springer, Colonel J. Francisco Chaves, Hon. B. M. Read and Hon. E. A. Fiske.

At the first meeting of the association following the organization Mr. Clancy resigned and Edward L. Bartlett was chosen to succeed him. Mr. Bartlett was re-elected to that office every year during his lifetime, and upon his death was succeeded by Richard H. Hanna. Judge Vincent's successors as president have been as follows: 1887, Neill B. Field, Albuquerque; 1888, Simon B. Newcomb, Las Cruces; 1889, Frank Springer, Las Vegas; 1890, Frank W. Clancy, Albuquerque; 1891, William C. Hazeldine, Albuquerque; 1892, A. B. Elliott, Hillsboro; 1893, A. A. Jones, Las Vegas; 1894, James G. Fitch, Socorro; 1895, Thomas B. Catron, Santa Fé; 1896, Neill B. Field, Albuquerque; 1897, A. B. Fall, Las Cruces; 1898-99, Ralph E. Twitchell, Las Vegas; 1900, A. A. Freeman, Carls-

bad; 1901, Eugene A. Fiske, Santa Fé; 1902, William B. Childers, Albuquerque; 1903, A. H. Harlee, Silver City; 1904, William C. Wrigley, Raton; 1905, G. A. Richardson, Roswell.

The first occupants of the supreme bench in New Mexico were Joab Houghton, chief justice and presiding judge in the first district; Antonio J. Otero, presiding in the second district, and Charles H. Beaubien, presiding in the third district. The headquarters for these districts was the same then as now. None of the three judges were lawyers by profession, though Judge Houghton read law while on the bench; but all were men of high standing and a splendid sense of justice. Houghton was of Anglo-Saxon descent, Beaubien of French and Otero of Spanish. They were appointed by General Kearny and each served three years, or until the Organic Act establishing the Territory went into effect. They were succeeded by Grafton Baker, chief justice; John S. Watts of the second district and Horace Mower, of the third district. Upon the establishment of the fourth district in 1889, Elisha V. Long was appointed judge of that district, with headquarters at Las Vegas. The fifth district was erected in 1890, and Alfred A. Freeman was appointed judge, with headquarters at Roswell. The sixth district was not erected until 1904, and Edward A. Mann was appointed judge, with headquarters at Alamogordo.

Some of the justices of the earlier days were men of strong character, though not always learned in the law. However, there were among them men of high legal attainments.

Judge Houghton was born in New York state in 1811, received a collegiate education, and was a civil engineer by profession. He came to New Mexico in 1844, and the year following was appointed United States consul at Santa Fé. At the same time he was engaged in general merchandising. In 1865, having in the meantime equipped himself in the law, he was appointed an associate justice of the supreme court, presiding in the third district. After retiring from the bench he practiced law in Santa Fé until 1874, when he removed to Las Vegas. His death occurred in that city in 1876. ✓

Judge Otero, a more detailed account of whose life will be found on other pages, was a man of broad mind and commanding influence. Nature endowed him with a fine intellect. He rarely expressed an opinion until he had carefully weighed the question under consideration.

Judge Beaubien, whose life in New Mexico is also described more fully elsewhere in the narrative, was one of the best known men in New Mexico. Before his appointment to the bench he had filled several offices of trust, and his reputation for integrity and honesty of purpose was so well known that General Kearny did not hesitate in appointing him to this high post.

Perry E. Brocchus, who served as judge of the first district from 1857 to 1859 and of the second district from 1867 to 1869, was a man of large parts. He was born in Baltimore, Maryland, and came to New Mexico at the age of about forty, bringing with him a commission as associate justice from President Buchanan. Before coming to New Mexico, President Fillmore, in 1851, had made him associate justice of the supreme court of Utah. He was removed from office by President Grant in 1869. He was a man of great ability and force of character, and was

possessed of great personal courage. He was a man of large physique and powerful strength. He would fight at a moment's notice, and on the slightest provocation use his fists like a trained fighter. Though amiable and generous to a fault, a stern sense of right and justice was always prominent in his make-up. In a memorial to Judge Brocchus prepared by the committee on the history of the bench and bar of the New Mexico Bar Association and read before that body in 1895, the following incident illustrative of the character of the man and giving a hint as to the manner in which the courts of those days were conducted, appeared:

"On one occasion, while holding court in Socorro, he had some trouble with Judge Kirby Benedict. Brocchus was somewhat hard of hearing and was very sensitive over the deficiency. Benedict was presenting a motion to the court, and in the argument spoke in a very loud voice and with violence of gesture. Justice Brocchus quietly stopped him, saying, 'Judge Benedict, it is not necessary for you to speak so loudly. The court hears you without difficulty, and your loud tones and gesticulations are exceedingly unpleasant to the court.' Benedict apologized, resumed his argument, and speedily was as loud and vehement as ever. Once more the court stopped him and said, 'Judge Benedict, your tone of voice and your violence are offensive to the court, and you must be more moderate or suspend your remarks.' Again Judge Benedict apologized and remarked, in extenuation of his conduct, that in the heat of argument he had forgotten the court's instructions. Brocchus then said: 'Judge Benedict, you may proceed, but hereafter do not be so forgetful of the court's wishes.' Benedict again resumed and presently was sawing the air with his hands and lifting his voice like the bull of Bashan. Brocchus stood the very patent indignity for a few minutes, and then rapping on the bench said: 'Mr. Sheriff, the court takes a recess for five minutes.' He then climbed down from the bench, took the distinguished Benedict by the lapel of his coat and said: 'You impudent old scoundrel, you howl at this court and the court will thresh you all over the room.' Benedict was profuse in his apologies and Brocchus released him, resumed his seat, and informed Judge Benedict that he might proceed, which was done with great moderation."

Judge Kirby Benedict, who was chief justice from 1858 to 1866, occupying the trial bench in the first judicial district, with headquarters at Taos, was one of the most striking figures who ever presided or practiced his profession in New Mexico. His first term on the bench was eminently satisfactory to those who desired to see justice done in New Mexico, and upon its expiration in 1862 President Lincoln, who was his warm personal friend and neighbor, reappointed him for a second term. After his retirement from the bench he engaged in practice in Santa Fé, but in 1873 was disbarred on account of drunkenness and obstreperous conduct before the court, through the arbitrary and illegal action of Rufus J. Palen, then chief justice. Judge Palen's associates were inclined to be lenient in the matter on account of Benedict's acknowledged great ability, his fearlessness and his unquestioned honesty, but both of them—John I. Reddick and Warren Bristol—finally submitted to the will of Palen and, though not believing that Benedict should be disbarred, bowed to the decision of the chief justice. On January 16, 1874, Judge Benedict submitted to the court a most abject written apology, admitting the offenses

charged against him, which he really magnified beyond their importance, indulging in self-abnegation to a degree that was pathetic in the extreme. He fairly groveled at the feet of the chief justice, promising that his behavior in the future would be most exemplary and asking to be reinstated in the good graces of the court in order that he might be enabled to support himself in his old age by following his profession. At this time he was in most needy circumstances and was, indeed, an object of pity and sympathy. But Palen remained obdurate, doubtless on account of purely personal reasons, and Benedict was compelled to round out his once almost brilliant career in official disgrace.

In spite of his intemperate habits, Benedict was highly respected by his contemporaries by reason of his unquestioned integrity upon the bench and his high sense of justice. He was generous and whole-souled, and throughout his career the charge of corruption was never laid against him. After his appeal for reinstatement was spurned by the supreme court he began drinking more freely than before, and in 1874 he fell in the streets of Santa Fé while intoxicated and died.

Judge Benedict's sentence of death upon Jose Maria Martin, who had been convicted of murder in Taos, has become historic. When the verdict of the jury was brought in, Benedict is reported to have addressed him in the following language: "Jose Maria Martin, stand up. Jose Maria Martin, you have been indicted, tried and convicted by a jury of your countrymen, of the crime of murder, and the court is now about to pass upon you the dread sentence of the law. As a usual thing, Jose Maria Martin, it is a painful duty for the judge of the court of justice to pronounce upon a human being the sentence of death. There is something horrible about it, and the mind of the court usually revolts from the performance of such duty. Happily, however, your case is relieved of all such unpleasant features and the court takes positive delight in sentencing you to death.

"You are a young man, Jose Maria Martin, apparently of good physical constitution and robust health. Ordinarily you might have looked forward to many years of life, and the court has no doubt you have, and have expected to die at a green old age; but you are about to be cut off in consequence of your own act. Jose Maria Martin, it is now the spring time. In a little while the grass will be springing up green in these beautiful valleys, and on these broad mesas and mountain sides, flowers will be blooming; birds will be singing their sweet carols and nature will be putting on her most gorgeous and her most attractive robes, and life will be pleasant, and men will want to stay. But none of this for you, Jose Maria Martin. The flowers will not bloom for you, Jose Maria Martin; the birds will not carol for you, Jose Maria Martin. When these things come to gladden the senses of men, you will be occupying a space about six by two beneath the sod, and the green grass and these beautiful flowers will be growing about your lowly head.

"The sentence of the court is that you be taken from this place to the county jail; that you be there kept safely and securely confined in the custody of the sheriff, until the day appointed for your execution. Be very careful, Mr. Sheriff, that he have no opportunity to escape, and that you have him at the appointed place at the appointed time. That you be so kept, Jose Maria Martin, until—Mr. Clerk, on what day of the month does

Friday about two weeks from this time come? (March 22, your honor.) Very well, until Friday, the 22d day of March, when you will be taken by the sheriff from your place of confinement to some safe and convenient spot within the county;—that is in your discretion, Mr. Sheriff; you are only confined to the limits of the county—and that you there be hanged by the neck until you are dead and—the court was about to add, Jose Maria Martin, 'may God have mercy on your soul,' but the court will not assume the responsibility of asking an all wise Providence to do that which a jury of your peers has refused to do. The Lord couldn't have mercy on your soul. However, if you affect any religious organization, it might be well enough for you to send for your priest or your minister and get from him—well—such consolation as you can get, but the court advises you to place no reliance upon anything of that kind. Mr. Sheriff remove the prisoner."

Some published accounts state that Martin escaped from his jailer, in spite of the admonition of the court, and died several years later by falling from a wagon and breaking his neck. Old residents of Taos who were eye-witnesses, state that the sentence of the court was executed upon him. He was placed standing in a wagon, a rope was tied about his neck, the other end being attached to the limb of a tree above him, the team was started, and his body fell, breaking his neck.

Judge Rufus J. Palen, chief justice and presiding judge of the first district from 1869 to 1876, is reputed to have been one of the most arbitrary men who ever occupied the supreme bench in New Mexico. Headstrong, overbearing, partial and biased, many of his critics say that he ran the courts for the benefit of the favored few. If attorneys did not please him when making arguments, he frequently became savage in his abuse of them. His dictatorial bearing was not only evidenced on the bench but in the ordinary affairs of life, so far as his contact with the public was concerned. Possessed of but mediocre ability as a lawyer, his appointment is said to have been for purely political reasons, and a general sigh of relief went up from those attorneys of the Territory whose practice, procedure and personalities did not meet with his approval when his successor was appointed.

Samuel B. Axtell, who served as chief justice from 1882 to 1885, under appointment by President Arthur, had been governor of the Territory from 1875 to 1878, governor of Utah in 1874 under appointment by President Grant, and member of Congress from California, where he had also filled the office of district attorney. In early years a Democrat, he was appointed to the bench and to the executive office in New Mexico as a Republican. He was removed from office as governor of Utah on the preferment of charges that he affiliated too freely with the Mormons. While governor of New Mexico he vetoed the notorious bill, passed January 11, 1878, incorporating the Jesuit Fathers of New Mexico, and conferring upon them general powers to establish educational institutions in any or all places in the Territory with the right to own an indefinite amount of property forever free from taxation. The legislature, which was composed almost entirely of natives, passed the bill over his veto, but it was annulled by unanimous vote of Congress February 4, 1879.

During the interim between his service as governor of Utah and governor of New Mexico, Judge Axtell practiced law in Cleveland, Ohio.



He was forced to resign from the office of chief executive of this Territory by President Hayes upon charges of corruption, arising chiefly from the so-called Lincoln County War. During his service on the supreme bench many charges were preferred against him, and though none were substantiated, he resigned his office. During nearly his entire term as chief justice charges were being made against him.

Judge Axtell was born in Franklin county, Ohio, October 14, 1819, and was educated at Oberlin and Western Reserve Colleges. In 1843 he removed to Mount Clemens, Michigan, and in 1851 settled in California, where for a time he worked in the mines. He practiced his profession in San Francisco from 1860 to 1869, during that time serving in the fortieth and forty-first congresses.

One of Governor Axtell's biographers has said of him: "He was not loved as a governor but it made no difference to him, and when he returned to New Mexico as its chief justice in 1882, he had many staunch friends as well as numerous vindictive enemies. As a judge he determined questions with reference to the right of the matter as he saw it, rather than according to the law. Shortly after he took his place as chief justice and judge of the first district, there came before him bitter and hardly contested questions with reference to the ownership and right of possession of the Cañon del Agua mine, in Santa Fé county, in which Governor Otero and his associates were enjoined from going upon the property, pending the litigation. Acting upon the advice of numerous counsel the governor and his friends disregarded the order, when Judge Axtell promptly cited the governor, his associates and all his attorneys for contempt, and ordered them incarcerated in the Santa Fé county jail, where they remained for several weeks, being the honored guests of the town, and receiving all sorts of attention at the hands of the citizens, until the judge became convinced that it was better to let his prisoners go, and they were released. Judge Axtell was a remarkable man in many ways, absolutely incorruptible, utterly fearless, with the courage of his convictions, always dignified and courteous. He was particularly kind and helpful to the younger members of the bar, who all had feelings of the deepest respect and affection toward him, and all who knew him felt that they had been benefited by his acquaintance, and those who were his friends felt themselves fortunate. He was the last of the chief justices before the era of court houses, typewriters, and modern methods of conducting business, and will always be remembered with affection by those who knew him."

He was a staunch friend and a bitter enemy. In spite of the fact that he incurred the enmity of certain members of the bar and numerous political leaders in the Territory, there are many who believe that the motives which actuated him in most of his official acts were honest and public-spirited. Like many another judge and executive, he was surrounded by political cliques of the most corrupt character, and his official duties were rendered well nigh impossible of performance at times. His last days were spent in Morristown, New Jersey, where his death occurred in August, 1891.

A short time prior to his departure for Springer, then the county seat of Colfax county, to preside over his first term of court there, Judge Axtell received a score or more of letters from cowboys and other desperate characters of that neighborhood warning him not to come. Undaunted

by the threats conveyed to him, Judge Axtell was promptly on hand to open court early in the week. As he took his seat he noticed that a large number of armed men were in the court room.

"Mr. Sheriff," asked the judge, "I notice that a large number of men in the room are bearing arms in defiance of the law. Can you tell me why?"

"Why, sir," stammered the sheriff, looking about him, "they are—some of them—are deputies, sir."

"Deputies or no deputies," replied the court, "see that they are all disarmed instantly, or I shall fine them each fifty dollars for contempt of court."

Within five minutes a stack of six-shooters lay on the table, and the work of the court began.

During the trial of "Dirty Dick" Rogers, Lee and others at Las Vegas some time afterward, Judge Axtell opened court promptly at the hour set, though he had received repeated warnings that he would forfeit his life or be seriously injured if he followed his determination to conduct the trial. On this occasion he caused all the court attendants and spectators to be searched before he allowed the opening of the case, with the result that forty-two revolvers were piled on the table, some having been taken from the attorneys in the case. Each man carrying a weapon into the court room was fined ten dollars for contempt of court, and no show of resistance was made when the fine was collected.

In one case before him the defendant, a poor young man, whose farm was in jeopardy, had no attorney. Seeing that the case was going against the man unless he could obtain legal counsel, Judge Axtell descended from the bench and began conducting the cross-examination with the remark: "It takes thirteen men to steal a poor boy's farm in New Mexico." Upon the conclusion of the submission of evidence he instructed the jury to find a verdict in behalf of the defendant. When the foreman announced a disagreement the judge discharged the jury, announced a verdict in behalf of the defendant, and told the sheriff never to allow any one of the discharged jurymen to serve again in San Miguel county.

It is related that during the term of William Breeden as attorney general, when Judge Axtell had made some rather caustic remarks to some of the attorneys who had been addressing him, the former rose and, looking Judge Axtell in the eye, remarked, "Don't be too hard on the lawyers, your honor; you might be a lawyer yourself some time, you know."

Colonel William Breeden, who was attorney general from 1872 to 1878 and from 1881 to 1889, was regarded by many as the shrewdest politician and most capable lawyer in New Mexico from 1864 until his health gave out in 1883. He was a man of remarkable strength of character, thoroughly versed in the law, and a natural leader of men. During the height of his career he was frequently quite autocratic, and was generally obeyed by the lesser lights in politics.

Joseph E. Gary, who in later years came prominently before the American public on account of his having presided at the trial of the Chicago anarchists in 1886, practiced for a short time in Las Vegas and Santa Fé. He was born July 9, 1821, in Potsdam, St. Lawrence county, New York, and when he was of age moved to the state of Missouri, where





— 6 — *grace*

he was admitted to the bar, April 19, 1844. He practiced in Springfield, Greene county, until the spring of 1849, when he came to this Territory, arriving in Las Vegas June 24th of that year. He then moved to Santa Fé, in December, 1850, where he remained for two years, going to California in December, 1852, practicing his profession in San Francisco. From there Judge Gary moved to Chicago in the spring of 1856, and was elected judge of the superior court of Cook county in November, 1863, and has been continuously re-elected to that position ever since. Judge Gary died in November, 1906.

While a resident of Las Vegas he was the victim of a practical joke arranged by some of his friends who desired to initiate him into western life after the fashion not infrequently employed in giving newcomers from the east their introduction to the "wild and woolly" west. This was a sham duel in which he was induced to participate for the protection of his honor. When he discovered the nature of the prank played upon him he became very indignant and expressed an earnest desire to continue the fight in genuine Yankee style, employing fists instead of powder and ball.

Thomas J. Smith, who was appointed by President Cleveland as chief justice in 1893, presided in the fourth district for five years, and was succeeded in both posts by Chief Justice William J. Mills. He gained a reputation for courage and fairness in the performance of his duties on the bench, is a fine classical scholar and a man of varied accomplishments. He now resides at Warrenton, Virginia.

J. J. Davenport, chief justice from 1853 to 1858, compiled the early laws known as the Davenport Compilation. Judge Davenport was an able lawyer and made an excellent judge. He was a man of strong opinions and splendid moral character, and adorned the bench during his occupancy thereof.

John P. Slough, who commanded a regiment of Union troops during the Confederate attempt to capture the northern part of New Mexico, was appointed chief justice in 1866. His career was cut short by assassination in 1868 at the hands of his bitter personal and political enemy, Colonel William L. Rynerson, of Las Cruces. While Judge Slough was a man of strong prejudices and at times extremely disagreeable, even to some of his tried friends, and frequently arbitrary on the bench, he was not corrupt. The prime cause of his death was his too active participation in politics, as the result of which he alienated some of his former friends. A bitter feeling had been engendered between Colonel Ryerson and himself, and public opinion at the time of his tragic end seemed to favor the conclusion that he brought his death upon himself by allowing himself to be placed in a position where a public quarrel with Rynerson could be possible.

William Joseph Mills, present chief justice of the supreme court of the Territory of New Mexico, was born in Yazoo City, Mississippi, January 11, 1849. His father was William Mills of Virginia, and his mother, Harriet Beale of Philadelphia, Pennsylvania. Judge Mills' father died when the judge was but a child, and his mother then moved to Connecticut and there married William H. Law. Judge Mills attended private schools and graduated from the Norwich Free Academy, as also from the Yale Law School in the class of 1877. He was married January 14, 1885, to Alice Waddingham, at West Haven, Connecticut. After his graduation from Yale Law School, he practiced law in New Mexico and New

Haven, Connecticut, until appointed chief justice of the supreme court of the Territory of New Mexico by President McKinley; his commission being dated January 31, 1898. He has been twice reappointed by President Roosevelt, and his present term will expire January 30, 1910. Before moving to New Mexico, Judge Mills represented New Haven in both branches of the Connecticut legislature. He has two children: A son, Wilson W. Mills, age eighteen, is now in New Haven, preparing to enter Yale College; his daughter, Madeline Mills, aged eleven years, is at home in Las Vegas, New Mexico.

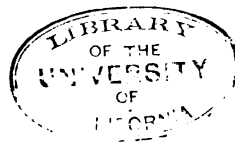
Hon. Humphrey B. Hamilton, who for five years was an associate justice of the Supreme Court of New Mexico, was born in Perry county, Illinois, October 26, 1850, and came of Scotch-Irish ancestry, representatives of the name having been pioneer settlers of Maryland and Virginia, and prominent in the history of the colonies as participants in the Revolutionary war and also in the various walks of civil life. The paternal grandfather of Judge Hamilton became a pioneer resident of Missouri, and there Leo F. Hamilton was born. In early manhood he wedded Sarah Jones, of Kentucky parentage, and, removing to Illinois, was successfully engaged in the practice of medicine up to the time of his death, which occurred in 1852. He had survived his wife for about a year.

Their son, Judge Hamilton, the youngest of five children, acquired his literary education in the schools of Illinois, and began preparation for the practice of law as a student in the office and under the direction of Hon. Dewitt C. Jones, of Chicago, Ill. In 1871 he was admitted to the bar, and located in Jefferson City, Missouri, where he remained from 1872 until 1885. He then came to Socorro, New Mexico, where he enjoyed a liberal and distinctively representative clientage until 1895. He was then appointed by President Cleveland to the position of associate justice of the Supreme Court of New Mexico, and during his five years' service on the bench he had but one decision reversed. He had a comprehensive knowledge of the principles of jurisprudence, was correct in his application to the points in litigation, and his course as a member of the Supreme Court was in harmony with his record as a man and lawyer and distinguished by a masterful grasp of every problem which was presented for solution.

In 1872 Judge Hamilton was united in marriage to Miss Mary J. McCutcheon, of Stanton, Virginia, who died in 1890. Three of their children are living: Lulu, the wife of William Driscoll, of El Paso, Texas; Humphrey, Jr., of Lincoln, and Fenwick, who is living in the City of Mexico. On the 3d of January, 1899, Mr. Hamilton married his second wife, who was Mrs. Mary R. Riggle, and soon afterward removed to El Paso, Texas, where his death occurred June 29, 1903.

Judge Hamilton was a stalwart advocate of Democracy, but not an active partisan, and on the bench his service was entirely free from political bias. He attained high rank in Masonry, and also belonged to the order of the Knights of Pythias. He was one of the foremost representatives of the New Mexico bar and a man of unusual prominence in the Territory. He was an earnest Christian throughout his life.

H. B. Hamilton, Jr., engaged in the active practice of law at Lincoln, New Mexico, came to this Territory with his father in 1885. He acquired his early education in Wentworth Military Academy, at Lexington, Missouri, and prepared for the practice of law under the direction of his father.





John R. McFarlane



He was admitted to the bar on the 1st of November, 1898, and first practiced at Roswell, from which place he came to Lincoln, where he joined his father in practice and has since been an able representative of the legal fraternity in Lincoln. He is logical in argument, strong in his presentation of a cause and correct in his deductions, and now has a gratifying clientage. He is recognized as a man of strong intellectual force with a wide and favorable acquaintance, both professionally and socially.

Mr. Hamilton was married at Roswell, February 14, 1898, to Miss Lovie Wetmore, and their children are Wayne H. and Mayo W.

Reuben A. Reeves, judge of the first district from 1887 to 1889, is still living. He is regarded as a sound lawyer, a fair and just man, whose private and public life has been above reproach. He has a most engaging personality and charms his friends with his manner and his conversation. Judge Reeves is a Kentuckian by birth.

Edward P. Seeds presided as judge of the first district from 1899 to 1894, under appointment by President Harrison. He was a graduate of the law department of the Iowa State University, but not meeting with the success in his practice which he anticipated, he soon abandoned his professional labors to enter the United States mail service. After his appointment to the bench in New Mexico he resumed the study of the law, with the result that he soon became recognized as an authority. He made an excellent judge, and was manifestly a fair-minded and just man. Judge Seeds was a stanch Presbyterian and rigid in his observance of the rules of the faith he followed.

Charles McCandless, a native of Pennsylvania, who was appointed chief justice in 1878 and assigned to the bench in the first district, did not find social and political conditions in the Territory quite up to his expectations, and after holding one term of court resigned his post and left the Territory. He was the one example of a lawyer whose tastes were too fastidious for the environments of the ante-railroad days in New Mexico.

John R. McFie, associate justice of the supreme court, presiding in the first judicial district, enjoys the distinction of being the only justice to receive an appointment for a fourth term, and of having had the longest term of service on the supreme bench in the history of New Mexico. Judge McFie was born in Washington county, Illinois, October 9, 1848, and was educated in the public schools and under the tutorship of his father, Professor John McFie, who had occupied a university chair in Scotland. February 4, 1864, he left his mother's home and enlisted for service in the Civil war, his name being enrolled in Company E, Thirtieth Illinois Veteran Volunteer Infantry, with which he served to the close of the war. He accompanied Sherman in the march to the sea, participated in the grand review at the close of the war, and was mustered out in Louisville, Kentucky. In July, 1865, he returned to Illinois, making his home with his mother at Coulterville, Randolph county, his father having died in August, 1863. There he followed mercantile pursuits for five years, at the expiration of which time, in 1870, he began the study of the law in the office of General J. Blackburn Jones, of Sparta. In 1871 he was admitted to the bar after an examination by Judge Silas L. Bryan, father of William J. Bryan.

Judge McFie practiced in the courts of Illinois until his removal to New Mexico in 1884. He served in the thirty-first general assembly of

Illinois, during which he enjoyed the privilege of seconding the nomination of General John A. Logan for United States senator. He was again elected to the thirty-third general assembly, participating in the election of Shelby M. Cullom to the senate. In February, 1884, President Arthur tendered him the post of register of the United States land office at Las Cruces, New Mexico, which he accepted, serving there from March, 1884, to December, 1885, when President Cleveland appointed E. G. Shields to succeed him. January 1, 1886, he formed a law partnership with Judge S. B. Newcomb, with whom he practiced in Las Cruces until March 19, 1889, when he was appointed by President Harrison an associate justice of the Supreme Court of New Mexico and made presiding judge of the third district, with headquarters at Las Cruces. The third district was then composed of the counties of Doña Ana, Grant, Sierra and Lincoln, and extended from Texas to the Arizona line. After serving upon the bench four years and two months President Cleveland appointed A. B. Fall as his successor, when he returned to private practice in Las Cruces. December 17, 1897, he was appointed by President McKinley to the supreme bench, becoming presiding judge of the first district, with headquarters at Santa Fé. He was reappointed by President Roosevelt in December, 1901, and again in December, 1905, and is now serving his fourth term in that exalted office.

A noteworthy fact in connection with Judge McFie's elevation to the supreme bench is that his candidacy in every instance has met with a practically unanimous endorsement of the members of the bar, without regard to political affiliations. His first term upon the bench demonstrated his eminent qualifications for the post; the bar of New Mexico, so quick to criticise any judicial act indicative of bias or prejudice, offering him tribute in expressions of confidence in his integrity and high sense of justice. Another fact worthy of note, as evidenced by the records of the courts, is that not one of his opinions, written for the supreme court of the Territory, has been reversed by the supreme court of the United States during the thirteen years he has been a member of that court. Personally, Judge McFie is highly esteemed by members of the bench and the bar, as well as by the laity, his career having been an exemplification of the best tenets of his profession and of the splendid moral qualifications which render a public man conspicuous. He is a broad-minded and public-spirited citizen and, above all, a just and fearless judge.

Hon. Edward A. Mann, of Alamogordo, associate justice of the supreme court of New Mexico and judge of the sixth judicial district, was born at Beatrice, Nebraska, in 1867. He was reared in the states of Nebraska, Kansas and Texas, where he attended the public schools, completing his studies in the college at Belle Plaine, Texas, where he remained two years. In 1887 he began reading law in the office of L. H. Thompson, of Norton, Kansas, and was admitted to practice before the supreme court of that state in 1891. The first three years of his professional labors were spent in Norton, Kansas, whence he removed to Cripple Creek, Colorado. Less than a year afterward he located in Gering, Nebraska, where he practiced from 1894 until 1903. During that period he served for two years as prosecuting attorney of Scotts Bluff county. Upon locating in Las Cruces in 1903 he became a member of the law firm of Bonham, Holt & Mann, and was still associated with H. B. Holt and J. F. Bonham



Edward A. Mann



at the time of his recent appointment, on June 1, 1903, to the bench in the newly created sixth judicial district. He was reappointed by the president in December, 1903, and his nomination was at once confirmed by the senate.

Judge Mann's experience in law prior to his elevation to the bench was varied and unusually successful. By his contemporaries he is recognized as a jurist of exceptional ability. His integrity and his sense of justice have never been brought into question. In a community where honesty and fearlessness are qualities which are especially to be desired in occupants of the bench, and where such qualities are quickly recognized and keenly appreciated, the accession of jurists of his stamp is worthy of note. Judge Mann is identified with the Masons, the Elks, the Knights of Pythias and the Red Men.

Hon. Ira A. Abbott, who became judge of the second judicial district in January, 1905, under appointment by President Roosevelt in December, 1904, has distinguished himself, during the brief period of his occupancy of the bench of New Mexico, by his manifest lack of political prejudice and by the fairness and justice which have characterized his decisions. Judge Abbott was born in Barnard, Vermont, in 1845. During the last year of the Civil war he served in the Ninth Vermont Volunteer Infantry, participating in the closing act of the great drama about Richmond, Virginia. The command to which he was attached was among the first troops to enter Richmond after the capitulation, and while they were occupying that former stronghold of the Confederacy Judge Abbott was privileged to witness Lincoln's visit to that city. Soon after the close of the conflict he entered Dartmouth College, from which he was graduated in 1870. The year following his graduation he read law, and at the same time occupied the chair of mathematics in Phillips Academy at Andover, Massachusetts. Among those who were students under him at this time were the Hon. William H. Moody, attorney general of the United States and recently elevated to a seat on the supreme bench, and Walker and Emmons Blaine, sons of James G. Blaine. Upon the close of his engagement at Phillips Academy he devoted his time exclusively to the study of the law until his admission to practice in Essex county, Massachusetts, in 1872. His professional work was at Haverhill in Essex county, mainly, although for a time he had an office in Boston. For several years he served as special justice of the central district court of Essex at Haverhill, and in 1898 was appointed justice of that court, occupying the bench at the time of his nomination to the bench in the second district of New Mexico. He also served two years as city attorney of Haverhill, Massachusetts, and while a resident of that city took an active interest in educational matters as a member of the school committee. Judge Abbott has won the unqualified respect of the bar of New Mexico during his comparatively brief incumbency of office, and it has come to be a thoroughly recognized fact that causes brought before him for trial will be adjusted solely on their merits.

Judge N. B. Laughlin, who is now in private practice at Santa Fé, but from 1894 to 1898 served as associate justice of the supreme court and judge of the first judicial circuit, was born in Illinois, July 24, 1844. Before reaching his majority he served in the Confederate army in the last year of the war. Unable to read or write at the age of twenty-three, he followed ambition's leadings, and before he was thirty graduated from

the University of Missouri with a Bachelor's degree. After practicing a time in Dallas, Texas, he located at Santa Fé in 1879, and for over twenty-five years has been identified with the territorial bar. He served as member of the legislature and in other offices, and in July, 1894, was appointed to the supreme bench by President Cleveland.

Hon. Frank Wilson Parker, of Las Cruces, New Mexico, judge of the third judicial district, was born in Sturgis, Michigan, October 16, 1860, a son of James Wilson and Maria Antoinette (Thompson) Parker. Having completed a high school course in his native city he afterward pursued an elective course in the literary department of the University of Michigan in conjunction with the study of law, and was graduated from the law department of that institution in March, 1880. He then opened an office for practice in his native town and followed his profession there for a little more than one year.

On October 1, 1881, Judge Parker, coming to New Mexico, located at Socorro, and a month later was examined by a committee of the bar and admitted to practice. He first settled at Mesilla, then the county seat of Doña Ana county, where he maintained his office for a year, and in the fall of 1882 removed to Kingston, a mining town then enjoying a "boom." In May, 1883, he removed to Hillsboro, where he has since maintained his residence, though spending the greater part of his time in Las Cruces. He practiced in Hillsboro and the surrounding counties until elevated to the bench, being appointed on January 10, 1898, by President McKinley, to the office of associate justice of the supreme court of the Territory. He was reappointed to the same office by President Roosevelt in December, 1901, and again in December, 1905. The only other office Judge Parker has held is that of superintendent of schools of Sierra county.

Judge Parker has been married twice. On September 28, 1892, he wedded Lillian L. Kinney, of Minneapolis, Minnesota, who died August 11, 1893, leaving a daughter, Rosamond Lillian. On October 26, 1904, he married Anna Davis, a native of Sioux City, Iowa. A son, Frank Wilson Parker, Jr., was born to them July 27, 1906.

Judge Parker has been closely associated with various public interests in New Mexico. He was a member of a militia company organized at Hillsboro during the Geronimo raid, but was in no active service. He was made a Mason in Kingston Lodge, A. F. & A. M., belongs to the Chapter and Commandery at Deming, the Shrine at Albuquerque and to Elks lodge at Silver City. In politics he has always been a Republican. Upon the bench he has made an excellent record for the judicial soundness and impartiality of his decisions, seeming to lose utterly that personal view and prejudice which interferes with the uniform administration of justice, and he is regarded today as one of the ablest representatives of the judiciary of New Mexico.

William H. Pope, now associate justice of the supreme court, removed from Atlanta, Georgia, to Santa Fé, New Mexico, in 1894, and in the spring of 1895 resumed the practice of law as a member of the firm of Victory & Pope, the senior member being Hon. John P. Victory, then attorney general of the Territory. In 1895 he was appointed a member of a commission to rebuild the capitol of New Mexico, and served on said commission until the completion of the new capitol in 1900. In March, 1896, he was appointed by the attorney general of the United States as a



Frank M. Parker

of the University of Missouri with a Bachelor's degree. After practicing law in Galveston, Texas, he located at Santa Fé in 1879 and for over twenty years has been identified with the territorial bar. He served as clerk of the territorial court, and in other offices, and in July, 1894, was appointed to the bench by President Cleveland.

Hen. Frank Wilson Parker, of Los Cruces, New Mexico, judge of the first judicial district, was born in Sturgis, Michigan, October 10, 1861, a son of John Wilson and Maria Antoinette (Thompson). Parker completed a high school course in his native city, he afterward pursued an engineering course in the literary department of the University of Michigan, and then the study of law, and was graduated from the department of that institution in March, 1885. He then opened an office in his native town and followed his profession there until 1888, when he came to New Mexico.

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William H. Pogue, now a state justice of the supreme court, removed from Atlanta, Georgia, to Santa Fé, New Mexico, in 1860. In the spring of 1865 he studied the practice of law as a member of the law office of Vinton & Pipe, the senior member being Hon. John P. Vinton, attorney general of the Territory. In 1865 he was appointed a clerk of a commission to build the capitol of New Mexico, and served on the commission until the completion of the new capitol in 1870. In 1870, he was appointed by the attorney general of the United States

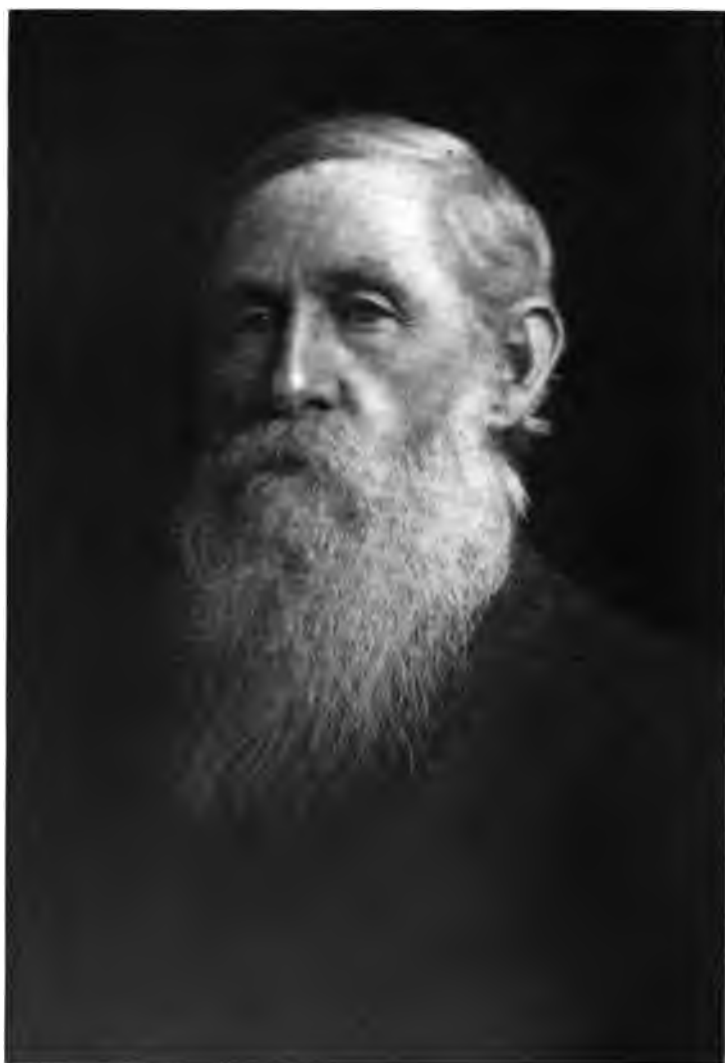




Frank M. Parker







Elisha B. Long  
Las Vegas N.M.

special assistant for the prosecution and defense of causes arising before the court of private land claims, and served the government in this capacity before that court in Colorado, New Mexico and Arizona until his resignation in June, 1902. In April, 1901, the secretary of the interior appointed him United States attorney for the pueblo Indians of New Mexico, from which he resigned in June, 1902. In June, 1902, Judge Pope was appointed by Hon. William H. Taft, civil governor of the Philippine Islands, as judge of the court of first instance of the Philippine Islands, and served in these islands in that capacity for about a year, returning to America in June, 1903. In October, 1903, he was appointed associate justice of the supreme court of New Mexico. In 1904 Judge Pope was appointed by President Roosevelt as a delegate on behalf of the government to the international congress of lawyers and jurists held in connection with the St. Louis Exposition.

Hon. Elisha Van Buren Long, ex-chief justice of New Mexico, was born in Wayne county, Indiana, March 7, 1836, son of Elisha and Malinda (Hale) Long. He was educated in the common schools of Wayne county, in the New Castle Academy, New Castle, and Fort Wayne College, Fort Wayne, Indiana. He studied nights and mornings at home, worked on a farm, taught school and clerked in a store, and thus paved the way to a professional career. In the office of Judge Worden, at Columbia City, Indiana, Mr. Long began the study of law, afterward had for his preceptors Stanfield & Anderson, of South Bend, Indiana, and in due time was admitted to the bar. He began the practice of his profession at Warsaw, Indiana. In the winter of 1872-3 he was appointed circuit judge of the fourth judicial district, comprising Kosciusko, Marshall and Fulton counties, and at a special election the following summer was elected to the office for a term of six years. The district was then changed, Whitley county being put in place of Marshall. He was re-elected and altogether served on the bench there for a period of thirteen years. As showing his popularity irrespective of party lines, we note that Judge Long was up to that time the only Democrat ever able to carry Kosciusko county or Warsaw, the county seat, the county then having a normal Republican plurality of eight hundred and the town three hundred. He received a majority of one hundred votes from Warsaw and three hundred from Kosciusko county.

Judge Long has always been a steadfast, consistent Jacksonian Democrat, as well when his party was out of power as when the opportunities for success were good. He has often lived in localities where to be a Democrat was an obstacle to political preferment. In Indiana he established as a Democratic newspaper in his home town, the *Warsaw Union*, and was for many years in his earlier life both editor and proprietor of that publication, which continues to be the organ of Democracy of his old home county. For a short period he at one time lived at Anderson, Madison county, Indiana, where he was a partner in law practice of Judge Blake of that city. During that period he purchased, edited and published the *Anderson Standard*, the Democratic organ of Madison county. As a delegate from his county in Indiana he attended every Democratic state convention from 1860 up to and including that of 1884, as well as every Democratic congressional convention of his district with a single exception. He was a delegate to the national Democratic conventions of 1860, 1876

and 1884, and also a delegate from New Mexico to the national convention of 1892. Under President Cleveland's administration Judge Long was appointed chief justice of the Territory of New Mexico, which position he filled for a term of six years. Since his retirement from the bench the judge has devoted his attention to private practice. Soon after he resumed practice he became associated with Captain L. C. Fort, with whom he was in partnership until the latter's death. With a keen insight into affairs, well versed in the law and, above all, with an earnest desire to be fair and impartial in all his rulings, Judge Long made an enviable record on the bench.

Among his important judicial decisions perhaps none are more noteworthy than the one which relates to the Las Vegas land grant at Las Vegas. (See history of Land Grants.) This grant contains about four hundred thousand acres of land, of which the city of Las Vegas is the center. For many years important legal questions arose relating to the title to this large and valuable body of land. In the case of *Milhisser vs. Padilla*, Judge Long, while chief justice, gave an elaborate opinion, extensively edited at that time, in which he held that this grant belonged to the town or community of Las Vegas, thus confirming to that town a property which is destined to prove of incalculable benefit to its inhabitants. The opinion embraced in this decision has been approved by four different judicial tribunals, and lastly by the supreme court of the United States. As a result, June 27, 1893, the United States issued to the town of Las Vegas a patent for this fine property, which inures to the benefit of the people within the grant. Chief Justice Mills determined that the proper method of managing the property was by means of a board of trustees to be appointed by the court, and thereupon he appointed as such board Jefferson Raynolds, Eugenio Romero, Elisha V. Long, Charles Ilfeld, respectively president, vice-president, secretary and treasurer, and Fred H. Pierce, Jose F. Esquibel and Isador V. Gallegos. Judge Long is also the appointee of the board to examine into the claims of the actual home settlers within the grant for the purpose of recognizing and confirming their titles. At this writing, the summer of 1906, over one hundred of these titles have been reported upon by Judge Long and deeds executed by the board. While this work is local, it affects probably five hundred settlers within the Las Vegas grant, and is a part of the present history of Judge Long and as well an important item in the history of San Miguel county.

Before leaving Indiana and at the time of his removal to New Mexico Judge Long was in ill health. The bracing climate of Las Vegas, however, gave him a new lease on life and he is today in the enjoyment of good health, with prospects for a ripe old age.

Judge Long was married in 1873 to Miss Alice R. Walton, a native of Pennsylvania, and they are the parents of four children, namely: Alfred Hendricks, a sheep rancher in Guadalupe county, New Mexico; Boaz W., engaged in business in San Francisco and Mexico City; Mary Walton, wife of Dr. Thomas E. Olney, of South Bend, Indiana; and Teresa W., at home.

Thomas J. Smith, chief justice of the Supreme Court of New Mexico from 1893 to 1898, was one of the strong men of his day in the Territory. He was born in Culpeper county, Virginia, July 26, 1838, a son of William Smith, once governor of Virginia, and a descendant of Sir

Sidney Smith of England. He was a graduate of William and Mary College and obtained his education in the law in the University of Virginia. He began practice in West Virginia. When the Civil war broke out he entered the Confederate army and became a brigadier general. At the close of the war he resumed his law practice, locating in Fauquier county, Virginia, serving one term as judge of that county and as a member of the state legislature. In 1884 President Cleveland appointed him United States attorney for New Mexico, an office he filled four years, when he returned to Virginia to resume private practice. His appointment as chief justice is said to have been entirely unsolicited on his part. He undoubtedly was fearless as a judge and endeavored to be just.

Hon. Daniel H. McMillan, ex-justice of the supreme court of New Mexico, whose effective and public spirited labors have extended to various state and national interests, is now residing at Socorro. He was born in New York, New York, in 1848, and his collegiate education was acquired in Cornell University, which he attended in 1868-9. Admitted to the bar at Buffalo, New York, in 1872, he at once entered upon the practice of his profession in that city and his prominence in political circles in the Empire state was indicated by his election to the New York senate, where he served from 1885 until 1887, when he was renominated, but declined to again become a candidate. He served as manager of the Buffalo state asylum from 1884 until 1899, was trustee of the New York state normal from 1887 until 1899; manager of the Buffalo library from 1883 until 1889; president of the Buffalo library in 1889-90; law examiner for admission to the bar in the fifth judicial department of the state of New York from 1883 until 1894; member of the New York Republican state central committee in 1887. He was also alternate delegate at large to the Republican national conventions held at Chicago in 1888, at Minneapolis in 1892 and at St. Louis in 1896. He was likewise delegate at large to the New York state constitutional convention in 1894 and was a member of the commission to revise the educational laws of the state of New York in 1899. His prominence in his profession was indicated by his selection for the office of vice-president of the New York State Bar Association in 1887-8 and he was also a member of the American Bar Association. His activity extended to church, social and fraternal circles. He was a member of the Presbyterian church, belonged to the Buffalo and Liberal clubs of Buffalo, New York, to the Chi Psi fraternity, and in Masonry he attained the 32d degree in the Consistory and also became a member of the Mystic Shrine.

On account of impaired health Mr. McMillan made his way to the west in 1898, spending the succeeding fall and winter in Arizona and New Mexico. In December, 1899, President McKinley appointed him to the supreme bench of the Territory of New Mexico, a position which he ably filled until the 1st of June, 1902, sitting in the fifth judicial district. Since 1901 he has made his home in Socorro. He is a lawyer of superior ability and his conduct on the bench was in harmony with his record as a man and lawyer, distinguished by unimpeachable integrity and by a masterful grasp of every problem presented for solution. He formerly had extensive holdings in coal mines and sheep ranches in the Territory, but these he has sold. He has promoted important territorial interests

and is the champion of many measures of civic pride, his labors proving of direct and immediate servicableness in behalf of public progress.

Judge McMillan was married to Miss Delphia Jackson of Arcade, New York. They have two sons, Morton K. and Ross, both well known among the younger business men of New Mexico.

Hon. William D. Lee, late Associate Justice of the Supreme Court of the Territory of New Mexico, is a member of the Lee family of Virginia. His grandfather, Henry Lee, emigrated from a point near Winchester, Virginia, and settled on a farm near Lebanon, Ohio, in an early day of that state, where Dr. Henry D. Lee, father of Judge Lee, was born.

William D. Lee was born in Fayette county, Indiana, November 8, 1830, was educated at Asbury, now DePau, University, Greencastle, Indiana. He studied law in the office of Hon. Richard W. Thompson at Terre Haute, Indiana, and graduated in the law department of the State University at Bloomington in the year 1853. He entered the practice of law in the town of Rensselaer, county seat of Jasper county, Indiana, where he remained until the year 1862, when he was elected prosecuting attorney of the 12th judicial circuit and removed to the city of Lafayette, where he remained practicing his profession until he removed to New Mexico, excepting while he was engaged in the military service during the Civil war, in which he served as captain of Company E, 135th Indiana Volunteer Infantry. In the year 1876 he removed to New Mexico and engaged in the practice of law, forming in 1880 a partnership with the late Captain L. C. Fort, under the name of Lee & Fort, at the city of Las Vegas, which partnership continued until the 4th day of March, 1889, when Judge Lee was appointed by President Harrison an associate justice of the supreme court of the Territory of New Mexico and assigned to the second judicial district with headquarters at Albuquerque, to which place he then removed. He served on the bench nearly five years.

In the year 1855 Judge Lee was married to Miss Naomi A. Rees, who, like himself, was a native of Indiana. Seven children were born of this marriage. On the 16th day of May, 1905, Judge Lee and wife celebrated the fiftieth anniversary of their marriage.

On retiring from the bench Judge Lee engaged in the practice of law at Albuquerque, where he now resides.

Warren Bristol, deceased, judge of the third judicial district from 1872 to 1884, was born at Stafford, Genesee county, New York, March 19, 1823. He was educated in Yates Academy, the Lima Seminary, Wilson Collegiate Institute and Fowler's Law School. He was admitted to the bar in Lockport, New York, and immediately afterward went to Quincy, Illinois. Not finding that town a desirable location for practice he removed to Hennepin county, Minnesota, where Minneapolis now stands, and was one of the men who gave that city its name. Upon the organization of that county he was elected prosecuting attorney and was afterward elected to the same office in Goodhue county, where he afterward served as probate judge. In 1855 he presided over the first Republican state convention held in Minnesota, and was a delegate to the Baltimore convention of 1864, which renominated Lincoln. In the meantime he served in both houses of the Minnesota legislature. In 1872 President Grant appointed him associate justice of the supreme court of New Mexico,





*Wm D. Lee*



a post which, by successive reappointments, he filled until he resigned in 1885. He heard a number of cases which have become historic and was on the bench during the entire Lincoln County War, presiding at the trial of the desperado known as "Billy the Kid." In 1889 he was unanimously elected as a delegate to the constitutional convention from Grant county, and this service was the last of a public nature he performed. The closing days of his life were spent in Deming, to which place he removed in 1882, and where his death occurred January 12, 1890.

Judge Bristol's judicial acts were broad and accurate. In judgment, industry, in clear conception of the spirit and scope of jurisprudence and in intuitive perception of right, he ranked high in the estimate of the bench and bar and the laity. The so-called cattle wars of Lincoln county and the opening of the railroads, with their accompaniment of bands of desperadoes, brought on a heavy volume of business, but he disposed of all cases brought before him with care and dispatch.

Needham C. Collier, judge of the second judicial district from 1893 to 1898, was born at Indian Springs, Georgia, April 30, 1847. In 1864 he enlisted in the Confederate Army, serving eight months. He was graduated from Georgetown College, District of Columbia, in 1868, and in 1871 was admitted to the bar in his native county, where he began practice. In 1875 he removed to Savannah, Georgia, where he practiced for ten years, when he came to New Mexico and located in Albuquerque. In 1887 he was elected city attorney and was re-elected in 1889 and 1891. In the latter year he formed a partnership with O. N. Marron, an arrangement that continued until 1893, when he was appointed by President Cleveland as judge of the second judicial district.

William Henry Whiteman, associate justice of the first judicial district, 1889-90, was born in Ohio, April 2, 1844. In 1861 he enlisted in the Twentieth Ohio Infantry as a private, and served until the close of the war. A short time before the war closed he received promotion in a regiment of colored troops. After the war he studied a year in the Ohio Wesleyan University at Delaware, after which he removed to Carrollton, Missouri, where he was admitted to the bar in 1870. He was afterward active in Republican politics in Cherokee county, Kansas. He came to Albuquerque in 1881, and represented Bernalillo county in the legislature in 1884. After retiring from the bench he resumed the practice of law. In 1898 he was appointed adjutant general of New Mexico, a post he filled until 1905, when he resigned and removed from the Territory.

Colonel William L. Rynerson, who died at Las Cruces October 3, 1893, was born in Mercer county, Kentucky, February 22, 1828. His childhood was spent in Indiana, and he studied law in Franklin College, that state. In 1852 he left for California, where he engaged in mining until the Civil war. In August, 1861, he organized Company C, First California Infantry (California Column). He became second lieutenant, afterward was promoted to first lieutenant and later adjutant of the regiment under Carleton. In 1864 he was promoted to the rank of captain and assistant quartermaster of the staff of United States Volunteers. Later he was chief quartermaster for the district of Arizona, and near the close of the war was brevetted major and lieutenant colonel for meritorious service. In the seventeenth, eighteenth and nineteenth legislative assemblies he represented Doña Ana county, and was also receiver of public

moneys in the Mesilla land district. In 1869 he was admitted to the bar of New Mexico, and for three years served as district attorney. He was a Mason, and in politics was a Republican. He was appointed adjutant general of New Mexico by Governor Pile. He served for two terms in the legislative council and for two terms was district attorney of the third judicial district. In 1880 he was appointed a delegate of the national convention held in Chicago, which nominated Garfield for the presidency, and was a member of the Republican national convention at the time of his death. He also served as secretary and treasurer of the board of registration. In 1871 he was married to the widow of John Lemon.

In 1867 Colonel William L. Rynerson, then a member of the Territorial council, introduced a series of resolutions charging Chief Justice John P. Slough with various offenses and demanding his removal from office. These resolutions were passed unanimously by the council. He accused Slough of being "tyrannical, overbearing and frequently unjust." Further, "imprisoned jurors who \* \* \* have failed to render verdicts in accordance with his own expressed views and wishes. He has imposed fines upon jurors amounting to their entire pay as jurors at the terms at which they were serving, because they refused to follow his instructions in finding verdicts. He has, at various times, conducted himself in so arbitrary a manner in his courts as to intimidate the jury, and so flagrant at times were these exhibitions of his tyranny, that members of the bar, in duty to their clients, have in court openly informed him that the juries held him in fear. \* \* \*" He was further accused of drunkenness in public places, obscene and vulgar language, unprovoked assault upon those in the military service, and uncalled-for attack upon a federal officer, venerable in years, for which he was arrested, and refusing to stand examination was afterward put under bonds for trial.

Learning of this, Slough attacked Rynerson in most vulgar language, while the latter was playing billiards in the Exchange Hotel in Santa Fé, December 14, 1867, the evening of the day the council adopted the Rynerson resolution calling for his removal. Slough also made threats against the life of Rynerson, so alleged, who tried to avoid meeting him. The next day Rynerson, believing, as he said, that Slough was drunk and therefore irresponsible at the time, asked him to retract what he had said. Slough refused to retract, but instead drew a derringer upon Rynerson. The latter then drew a revolver and fired, the wounds causing Slough's death. Rynerson gave himself up and was held without bail. Afterward he was released on a writ of habeas corpus and bailed at \$20,000. The jury acquitted him at the trial. There is much in the evidence which showed Judge Slough to have been very injudicious in his general bearing, and to have been a man of ungovernable passions, which frequently got him into quarrels not in keeping with the dignity of the high position he filled. He was appointed chief justice in 1866.

Ex-Judge Alfred A. Freeman, of Carlsbad, was born in Tennessee, in 1838, was there reared and made his home until 1877. He was admitted to the bar in 1860. He was a strong Union man and was exempted from conscript in the Confederate army, as he was a teacher. He resumed practice in 1866 in Brownsville, Tennessee. He was a member of the legislature in 1866, 1871, 1876 and 1877, was appointed assistant attorney general for the postoffice department at Washington under Hayes, in

which position he served for eight years. From 1885 until 1890 he was engaged in the practice of law as a partner of United States Senator Money. In October, 1890, he was appointed by President Harrison as judge of the fifth judicial district of New Mexico, in which he served four years and five months, being located at Socorro, but since 1891 has been located at Carlsbad, where he is engaged in private practice.

Hezekiah S. Johnson, who occupied the bench in the second judicial district from 1870 to 1876, came to Albuquerque about 1860, possibly a year later. In 1862 he was elected to the lower house in the legislature as a Republican. He enjoyed a lucrative practice. He married a native woman, and his influence among the native citizens was strong. Judge Johnson was active in the missionary work of the Episcopal church for several years.

Singleton M. Ashenfelter, one of the oldest and best known residents of the Territory, died in Silver City, January 23, 1906. Mr. Ashenfelter graduated at Dickinson College, Carlisle, Pennsylvania, in the year 1865, and was president of his class. In the summer of 1866 he assumed editorial charge of the *National Standard*, published at Salem, New Jersey, at the same time reading law in the office of Peter Montgomery, of Philadelphia. In the fall of the same year he went on a long voyage around Cape Horn, accompanied by a sea-going friend, Captain John Shourds, of Camden, New Jersey. He landed in Valparaiso, Chili, in March, 1867, and spent nearly two years on the west coast of South America. In the fall of that year he was appointed clerk in the United States consulate at Guayaquil, Ecuador. He returned home in 1868, completed his legal studies and was admitted to the bar. In June, 1870, he came to New Mexico. In September of the same year he was by President Grant appointed United States district attorney for this territory, and held such position until the early part of 1872, and so was one of the very earliest attorneys practicing here. At the expiration of his official term he removed to La Mesilla, where he took charge of the bookkeeping department of the overland stage line owned by J. F. Bennett & Company.

On the 21st of November, 1872, he was married at Silver City, to Jennette Amelia Bennett, the daughter of Judge and Mrs. Cornelius Bennett of that place. He took his bride back to La Mesilla and shortly thereafter he re-entered the practice of law in partnership with the late Judge John D. Bail. This was continued until 1877, when he removed to Silver City and established himself in practice here, combining this until 1884 with newspaper work.

During this time he edited and published the *Grant County Herald*, the *New Southwest* and the *Daily Southwest*, the latter bearing the distinction of being the only daily newspaper ever published in Grant county. In 1885 he was appointed by Governor Edmond G. Ross as district attorney for the third judicial district, at that time comprising the counties of Grant, Doña Ana and Lincoln, and including in its territory the entire southern part of New Mexico. He held this position for nearly four years.

In 1890 he removed with his family to Deming, where he at once established a lucrative practice and at which place he remained until 1895, when he went to Colorado Springs, Colorado. In 1898 he returned to Silver City and has remained here since. During the last fifteen years of

his life he was engaged more or less extensively in mining, both in New Mexico and Colorado, and at the same time continued his law practice. He had for years been the local attorney of the Atchison, Topeka & Santa Fé Railway. He was survived by his wife and three daughters, namely: Mrs. W. B. Walton and Mrs. Percy Wilson, of Silver City; and Mrs. Corey C. Brayton, of Van Trent, California.

Mr. Ashenfelter lived in the Territory of New Mexico for more than thirty-five years. He held important positions in the public service and was entrusted with large private interests. He was at all times independent and fearless in the discharge of his duty and zealous and energetic in protecting and conserving affairs committed to his care. He was a man of deep and broad scholarly attainments, and through his connection with the press of the Territory in large measure shaped public opinion. Mr. Ashenfelter had an extensive knowledge, much of it acquired in his own personal experience, of the historical events of early days in the Territory. Much of this has been recorded in more or less ephemeral newspaper articles, and one, among many others, of the reasons for general regret at his decease is the fact that the work of preserving all of this knowledge in written form, which he had contemplated and had been urged by friends to accomplish, must now remain undone; nevertheless, by his many contributions and acts of assistance in compiling this history, he has done much to keep alive the record of events in his Territory and merits no small praise for his historical zeal in this connection.

Thomas Douglas Leib, engaged in the general practice of law and also counsel for many corporations of Raton, was born in Iowa, November 3, 1864, a son of Christian and Lydia (Hartman) Leib. His parents removed to Kansas in his boyhood days, and he completed his more specifically literary education in Baker University, in the class of 1886, after which he entered upon preparation for the bar, and was graduated from the law department of the Kansas State University with the class of 1890. He was admitted to practice before the Supreme Court of Kansas in 1893 and the Supreme Court of New Mexico in 1899. He removed to Springer in 1894, because of ill-health, and for four years was engaged in teaching school there, after which he came to Raton in 1898 and entered upon the practice of law, forming a partnership with John Morrow, which connection has since been maintained. He has been very successful in his profession, and is now attorney for the Santa Fé Railroad at Raton, while the firm of Morrow & Lieb are also attorneys for the Raton & Eastern Railroad Company, the Raton Fuel Company, the Raton Ice Company, and the Raton Waterworks Company.

A recognized leader in the ranks of the Democracy in his district, Mr. Lieb was elected to the legislature in the fall of 1898 and served for one term. He is a member of the Independent Order of Odd Fellows. Well equipped by thorough training and strong intellectual endowments for the arduous and difficult profession of the law, he has made a creditable place at the New Mexico bar.

Merrill Ashurst, who filled the office of attorney general of New Mexico from 1852 to 1854, and again from 1867 to 1869, was a native of Alabama. He came to Santa Fé in 1850 or 1851, opened an office for the practice of his profession, and at once took a prominent place at the bar. He was a man of unusual ability, a powerful advocate, a convincing

orator and exceedingly adroit in the trial of causes before a jury. His success as a prosecutor was remarkable. Though his practice was large and remunerative, he was most extravagant and improvident, and at his death left nothing. He died in 1869 at the age of sixty-one years, while serving his second term as attorney general.

Theodore Wheaton succeeded Mr. Ashurst as attorney general in 1854 and performed the duties of the office four years. He was a native of Rhode Island. He joined the Doniphan expedition to New Mexico, and after his discharge engaged in practice here until his death in 1875. He served in the legislature and at one time was speaker of the house. From 1861 to 1866 he was United States attorney. Though one of the ablest and most successful lawyers of his day he failed to apply himself to his professional work during the last twelve or fifteen years of his life. It is said that his law library consisted of Chitty's Pleadings and the New Mexican statutes. He died at Ocate, New Mexico, in 1874 or 1875.

Charles P. Clever, attorney general of New Mexico from 1862 to 1866, was born in Cologne, Prussia, in 1827, and died in 1874. He came to the United States in 1848 and settled in Santa Fé in 1850, engaging in trade. From 1855 to 1862 he was a member of the mercantile firm of Seligman & Clever. In 1857 he was appointed United States marshal for New Mexico, and while in this office began the study of the law. He was admitted to the bar in 1861 and at once entered upon the practice of his profession in Santa Fé. In 1861 he was made adjutant general, and at the battle of Valverde was adjutant on the staff of General Canby. In 1867 he was the Democratic candidate for delegate to Congress and received the certificate of election over Colonel J. Francisco Chaves, but the latter contested the election and toward the close of the term was seated. In 1868 he was admitted to practice before the supreme court of the United States and shortly afterward was appointed one of the incorporators of the Centennial Exposition. In 1864 Governor Connelly made him one of the commissioners to revise and codify the laws. His last days were spent in professional work at Tome, Valencia county. Mr. Clever was more of a successful politician than a lawyer. He was a man of great strength of character, and had as many enemies as he had friends. Few men have been more active in politics in New Mexico, and few have found their way into such a variety of official positions.

Eugene Allen Fiske of Santa Fé, who served with credit as United States attorney for New Mexico from 1889 to 1893, is a native of New Hampshire and was educated in that state and Massachusetts. He served in the Union army in the Civil war and was mustered out as a lieutenant of the Eighth United States Veteran Volunteers. After the war he was graduated from the law department of the Columbian University of Washington, D. C. President Grant appointed him chief of the division of private land claims in the general land office, and subsequently assistant secretary to the President to sign patents for lands. Resigning his office in Washington in 1876, he located in that year in Santa Fé, where he has since been successfully engaged in the practice of law, having been counsel in some of the most important litigation in the Territory. In 1886 he assisted in the organization of the New Mexico Bar Association, was its treasurer for the succeeding ten years and its president in 1901. He was one of the organizers of the Santa Fé Board of Trade, was attor-

ney and vice-president of, and a director in, the Second National Bank of New Mexico, assisted in the foundation of the University of New Mexico at Santa Fé, and was the organizer of the first gas company in New Mexico at Santa Fé, and subsequently of the gas company at Las Vegas. In Masonry he has taken the Scottish Rite degrees, is a Knight Templar and is also a member of the military order of the Loyal Legion. In politics he is a Republican.

One of the lawyers longest in active practice in the Territory, he has been employed in some of the most important litigation before the local courts, and with the United States government as his client won more cases than all his predecessors combined since the organization of the Territory. His conduct as a citizen, like his professional career, has gained him the esteem that belongs to the honest and vigorous worker in the broad arena of professional and civic affairs.

Melvin Whitson Mills, an attorney practicing at Springer, in Colfax county, was born in Elgin county, Ontario, Canada, October 11, 1845. His parents, Daniel Wood and Hannah (Chase) Mills, were of the Quaker faith, and the former was born in Ohio, the latter in New York. In the common schools of Canada Melvin W. Mills began his education, and his professional training was received in the law department of the Michigan State University at Ann Arbor, from which he was graduated in the class of 1868. His father had gone to Colorado in 1858, and was a member of the Colorado Home Guards during the Civil war. Immediately following his graduation, Melvin W. Mills sought a home in the west, making his way to New Mexico. He first located at Elizabethtown, where he remained for two years, when the county seat was removed to Cimarron, and he, too, established his home there. In the meantime he was elected a member of the territorial legislature. He resided in Cimarron from 1871 until 1880, and during that time served by appointment of the county commissioners as county attorney. Coming to Springer in 1880, he was appointed district attorney, was reappointed by Governor Sheldon, and continued to hold the office under Governor Ross. Since his retirement from that position he has engaged in the private practice of law. While acting as district attorney he was also appointed to examine school teachers. In addition to his professional duties he is giving his time and attention to ranching interests. He has a ranch in the Canadian river canyon of six thousand acres, also five thousand acres in Aquaje ranch, twenty-two miles southwest of Springer, and was at one time the owner of the largest fruit orchard in the western portion of the Canadian river canyon, but in October, 1904, this was washed away in the terrific flood which swept through the valley. He had one hundred and fifty acres planted to peaches, prunes, plums, nectarines, grapes and almonds, and the flood caused a heavy loss. He has a horse and cattle ranch near the Canadian river ranch, and also twenty-five hundred acres of land just east of Springer.

Mr. Mills married Ella E. House, a native of Michigan, and they have reared two adopted children. Mr. Mills is a man of good business capacity and enterprise; capably controlling his varied interests as represented by his ranches and at the same time carefully conducting a large and growing law practice.

A proceeding of intense interest not only to the bench and bar of New Mexico, but to the Territory generally, owing to the high professional



standing and prominence of at least one of the accused parties and the great importance of the proceeding in its results, arose out of a public criminal trial which occurred in Santa Fé county in the months of April and May, 1895. On May 29, 1892, Francisco Chavez, an ex-official and prominent citizen of Santa Fé county, was assassinated. His prominence and the cowardly character of his murder aroused intense public feeling and indignation. Investigation led to the arrest of Francisco Gonzales y Barrego, Antonio Gonzales y Barrego, Lauriano Alarid, Hipolito Vigil and Patricio Valencia, and their trial was begun before Judge H. B. Hamilton on April 23, following, Thomas B. Catron and Charles A. Spiess conducting the trial for the defense.

Chavez, by reason of his personal presence, his goodness of heart and his kind and generous disposition, had attached many followers, regardless of their political affiliation. At the time of his assassination, and for a number of years prior thereto, he was the acknowledged leader of his party. He was considered the strongest man politically in Santa Fé county, and it was generally conceded that he could procure the election or defeat of any candidate in local politics. The testimony given at the preliminary hearing and at the trial tended strongly to show that the primary motive for his assassination was political jealousy, a fear of his popularity and power and an inordinate desire to remove him from the road of political preferment.

At the session of the supreme court of New Mexico in August, 1895, Jacob H. Crist, district attorney for the first district, who conducted the prosecution in this trial, filed a number of affidavits charging Catron and Spiess with unprofessional conduct during the trial, accompanied by a petition calling the attention of the court to the same and asking that body to act in the matter. After an examination of the affidavits, which alleged that the accused men had been guilty of efforts to procure false affidavits from the witnesses in the murder trial and otherwise improperly affect the testimony, the court deemed the charges to be of sufficient gravity to call for a full investigation, and appointed John P. Victory, A. A. Jones, William B. Childers, S. B. Newcomb and Bernard S. Rodey, all prominent members of the bar, to prepare and file such charges as they might deem proper. Under this order the committee prepared and filed charges containing five separate and distinct specifications, charging five separate and distinct unprofessional acts.

In these disbarment proceedings testimony was offered which tended to the establishment of the charges, but the accused denied all of the material allegations set forth. The most serious specific charge against Catron was, in substance, that he procured an interview with one of the most important witnesses in the murder trial and endeavored to persuade him either to give entirely different testimony from that which he had already given, or to refuse to testify on the ground that he would incriminate himself. Another specification alleged that Catron, through an agent or agents, had intimidated another witness into offering testimony favorable to his client, causing her to be retained in his private office during the night preceding the trial and taken direct from his office to the court house; and upon the conclusion of her examination had her taken directly back to his office and kept there until he was ready to send her home.

Other charges were to the effect that Catron had attempted to bribe witnesses with offers of money.

The opinion concurred in by a majority of the court, in a paragraph referring to the witnesses whose testimony was used as a basis for the disbarment proceedings, stated as follows: "Prominent citizens of this community, officials in high standing, prominent members of the bar, reputable business men in large numbers, have come upon the stand and have testified, without qualifications, that they would not believe these witnesses under oath, in consequence of their character, their reputation and their standing in the community." Justice Laughlin, in a dissenting opinion of great length, said: "If I believed this statement from the evidence in this case, and if I had the power I would grant those four defendants a new trial, just as soon as I could sign my name to the order. I believe the law protects, with its mantle of mercy, alike, the rich and the poor, the high and the low; and those four men now awaiting in solemn solitude, under the pall of the death sentence pronounced by the same learned and honored judge who uttered the above strong and cutting sentences, are just as much entitled to their lives as the respondent is to practice law at this bar. If this testimony against them in that case was found sufficient, to the exclusion of all reasonable doubt, to convince a jury of twelve good and lawful citizens of the guilt of the accused, and the judge concurred in that view, why is it not sufficient to sustain these charges? \* \* \* The committee offered in open court to connect respondent (Catron) with the authorship of an article in a newspaper containing severe strictures on this court with regard to the conduct of this case; but respondent's counsel vehemently opposed its introduction, and the court ruled it out. \* \* \* I am irresistibly driven to the conclusion, however unpleasant it may be, that the legal evidence contained in the record sufficiently sustains the charge of unprofessional conduct on the part of the respondent during the progress of the trial of said Barrego case, and I so find."

The proceeding was finally dismissed, each of the justices filing a separate opinion. No other case of a similar nature arising in New Mexico ever attracted such widespread attention. Public feeling reached a high tension not only among the legal profession, but among all classes in the laity. As the outgrowth of this case there arose contempt proceedings involving two of the prominent newspaper men of the territory—Thomas Hughes and W. T. McCreight, proprietors of the *Albuquerque Evening Citizen*. After the committee appointed by the court had filed charges, and before they had been disposed of, there appeared in the *Citizen* an article nearly three columns in length, under the heading "Is It Honesty or Partisanship?" in which Chief Justice Smith was criticized in somewhat violent language for having in the meantime spent a night at the residence of one of the members of the committee in Albuquerque, where, "contrary to all precedent, delicacy and the ethics pertaining to the judicial action, descended from the high position which he should have commanded, so as to appear in the partisan effort to ruin the character of an attorney whose only crime is that he was, at the last election, selected by a majority of about three thousand votes to represent New Mexico in congress." These words are quoted from the editorial article referred to. This article further charged that the chief justice and those he was alleged to have advised were determined to push the cause against Catron "for political and

personal reasons; that Judge Smith would see that they were referred to a special committee of the bar, composed of a majority who would be hostile to Catron, either politically or personally, or both, but that it should be so done that it should be made to appear to the other members of the supreme court that it was intended to be non-partisan."

Continuing, the offensive publication says: "The other members of that court should see that the judicial ermine is not dragged in the mud of politics and of personal enmity, and should promptly check any partisan zeal or political hostility which may be manifested in that cause if there be any display thereon." It asks, under certain contingencies, "to what low, contemptible, degraded and insignificant place can the judiciary descend."

The proceeding resulted in finding Hughes guilty of contempt and the imposition of a sentence to imprisonment in the Bernalillo county jail. Two of the justices dissented from the punishment inflicted, in the separate opinions handed down, calling attention to the fact that Hughes had declared under oath that he was not the author of the offensive editorial and did not know who its author was, and that after its publication he had ascertained the falsity of the charges and published a full retraction of the same. So far as official recognition was concerned, these two actions ended one of the most sensational incidents in the history of the bench and bar of New Mexico.

June 23, 1899, Governor Otero issued to J. H. Vaughn a commission to the office of treasurer of New Mexico. Samuel Eldodt was then occupying the office. Eldodt refused to give up office on the ground that the governor had no power to remove him (see Wade-Ashenfelter case), and on July 6, 1899, Vaughn asked for and received an alternative writ requiring Eldodt to surrender to him all the insignia and paraphernalia of the office. Eldodt refused to relinquish office. July 11, Eldodt filed answer to the writ, denying right of governor to appoint his successor upon the ground that he (Eldodt) had been duly created treasurer in March, 1897, upon nomination and appointment of the governor and with the advice and consent of the legislative council, to hold office for two years and until his successor should be appointed; and being alive, and fully capable of filling the office, and never having resigned or been removed therefrom, and Vaughn never having been nominated to the council of the governor, the latter official was without power to confer the office upon another, as he had attempted to do. The case was first taken to the district court of Santa Fé county, which adjudged Vaughn to be "prima facie treasurer" of the Territory. July 14, 1899, in response to a peremptory writ, Eldodt relinquished everything appertaining to his office. The case was taken to the supreme court, which decided that "where one has received an appointment to a public office, from the authority invested with power to make such an appointment, and has duly qualified in accordance with statutory requirements, the law will presume that such appointment was legal"—thus leaving the burden of proof to the contrary upon the aggrieved. In other words, though Eldodt had not been removed from office and was still alive and fulfilling the duties devolving upon him, the court held that the governor had the right to act as though he had either been removed or had died, notwithstanding the fact that Eldodt stood ready to prove that he had neither been removed from office nor had died.

This case was the first one of the kind arising in New Mexico, and created widespread general interest.

In March, 1884, E. C. Wade of Las Cruces was appointed by the governor as district attorney, was afterward confirmed and the commission given.

November 9, 1885, Governor E. G. Ross, of Silver City, appointed Singleton M. Ashenfelter to the office, but without confirmation by the council. Ashenfelter excluded Wade from office, and Wade brought action for usurping office. In the long legal fight that followed, the district court in Sierra county decided in favor of Wade, and Ashenfelter carried the case to the supreme court, which, in January, 1887, decided that no pretense was made that there was any effort to remove Wade, unless appointment of Ashenfelter and his commission so operated; and it had not been contended that Wade's time had expired when Ashenfelter received the commission. The question resolved itself into consideration of power of the governor to remove an officer whose appointment came from the senate's approval, or the governor's nomination, when the officer holds a term fixed by law. The court interpreted the statutes to mean that when a vacancy occurs during recess of the legislature, the governor may appoint in the interim but not fill an office already having an existing incumbent. If, under the law, the governor may dismiss the secretary "it cannot be seen," decided the supreme court, "why he may not dismiss every other one without regard to their manner of appointment or the tenure of office, and thus, by the construction of one clause, bring all the officers, and the operation of all the laws of the state, under executive control. This would counteract the whole scope and design of the constitution." The finding of the court was in favor of Mr. Wade, charging no error against the finding of the district court.

Murray F. Tuley, who afterward occupied the bench in Chicago and became recognized as one of the ablest jurists in the United States, was probably the first American to engage in the practice of law in New Mexico. He was born in Louisville, Kentucky, settled in Chicago in 1843, attended a law school in Louisville in the winter of 1846-7, and in the spring of 1847 enlisted for service in the Mexican war, being assigned to the regiment commanded by Colonel Newby, who soon afterward deserted his command. He accompanied the Army of the West to Santa Fé, became a first lieutenant, and after the war, having been admitted to the bar in Illinois, opened an office in Santa Fé. He subsequently practiced for a short time in Albuquerque. He left New Mexico early in the '50s.

Simon Bolivar Newcomb, who began practice in New Mexico at Las Cruces, in 1875, was born at Wallace, Nova Scotia, in 1838. A year later he was taken to Texas by his parents, but returned to Canada in his youth to complete his education. In 1861 he attained the rank of attorney and solicitor, and was finally admitted as a barrister in 1863. Soon afterward he removed to Toledo, Ohio, where he engaged in practice. In 1870 he returned to Texas, and the year following was appointed judge of the twenty-fifth judicial district, with headquarters at El Paso. Soon after his removal to Las Cruces he was elected to the territorial council, in which he served several terms. He also filled the office of district attorney for the third district. In 1885 he was elected president of the New Mexico Bar Association. He was active and prominent in Masonry, assisting in the

organization of the Grand Lodge of New Mexico in 1877, and serving as grand master in 1881. Judge Newcomb died of apoplexy at his home in Las Cruces, May 23, 1901.

Captain Clinton N. Sterry was born in 1843, at Ashtabula, Ohio, and finished his classical studies in Oberlin College. He served two and a half years with the Seventh Ohio Volunteer Infantry during the Civil war and afterward organized a company in the First Minnesota Volunteers, of which he was captain. After attending the law department of the University of Michigan he was admitted to the bar and in 1868 began practice in Minnesota. From 1873 until 1882 he practiced in Kansas. In the latter year he came to Albuquerque as an attorney for the Atlantic & Pacific Railroad Company, and ten years later was appointed general attorney for that road in New Mexico. From 1896 until his death in 1903 he was solicitor for the Santa Fé road, making his headquarters in Los Angeles.

John D. Bail, who first settled at Pinos Altos in 1866, began practice at Mesilla in 1870 at the close of two terms' service in the New Mexico legislature. He afterward served in the council, was deputy United States collector of internal revenue, deputy assessor and district attorney of Doña Ana county. In 1885 he removed to Silver City and resumed active practice. He was an active Republican. Judge Bail, as he was commonly known, was born in Ross county, Ohio, in 1825. He served in the Mexican war, accompanying Scott's expedition to the City of Mexico. In 1849 he began the study of the law in Springfield, Illinois, was admitted to the bar in 1852, and soon afterward went to California. In 1856 he returned to Springfield and resumed practice until 1861, when he joined the Eleventh Missouri Infantry, participating in the campaign about Vicksburg and on the Red river. He was widely known throughout southern New Mexico.

John Y. Hewitt, who has been engaged in the practice of the law since 1881, was born in Ohio in 1836. He served with the Kansas Volunteers throughout the Civil war, and after visiting various localities in the west, settled in White Oaks in 1880. He was admitted to the bar at Lincoln in 1881. Mr. Hewitt has one of the finest law libraries in New Mexico. He was the first president of the Exchange Bank of White Oaks. For several years he has lived in practical retirement from the more serious cares of life.

Henry L. Warren, ex-chief justice of Montana and for many years a practicing lawyer of Albuquerque, was born in Quincy, Illinois, in 1837, and read law in the office of his father, Calvin A. Warren. His education was obtained in the United States Naval Academy at Annapolis and Brown University. In 1858 he was admitted to the bar in Missouri and practiced at Maryville and St. Joseph in that state, and at Quincy, Illinois. While there he served as city attorney of Quincy and as a member of the state legislature. Soon after the close of the war President Johnson appointed him chief justice of Montana, a post he filled four years. For eight years thereafter he practiced in St. Louis, after which he went to Leadville, Colorado, as attorney in important mining litigation. In 1880 he located in Santa Fé, and in June, 1887, formed a partnership with H. B. Ferguson of Albuquerque, with whom he practiced until his death. He was regarded as a strong lawyer.

Captain Lewis C. Fort, for many years in practice in Las Vegas, was born in Baltimore, Maryland, in 1845. He served in the Union army in the Civil war, and late in the '60s was admitted to the bar in his native city. After practicing several years in Arkansas he came to Las Vegas in 1879, and for some time practiced as a partner of William D. Lee. After the latter was appointed to the supreme bench Captain Fort formed a partnership with Elisha V. Long, which continued until his death in 1904. He also served as city attorney of East Las Vegas from 1890 to 1895, and for some time was postmaster of that town.

W. B. Childers, attorney at law at Albuquerque, was born at Pulaski, Giles county, Tennessee, on the 20th of March, 1854. He attended school in his native town, and at Giles College, in Pulaski, until September, 1870, when he matriculated at Washington College, Lexington, Virginia, presenting his letters and certificates to General Robert E. Lee on the 16th day of that month. The General died on the 12th of October, 1870, after which the name of the institution was changed to Washington & Lee University. Mr. Childers was graduated in the academic department of the institution in June, 1873, winning the Bachelor of Arts degree in the law department of the University in June, 1874.

Following his graduation he spent some nine or ten months in a law office in Pulaski, Tennessee, and on attaining his majority was admitted to the bar. He then went to St. Louis, Missouri, in April, 1875, and remained there until December, 1879, engaged in the active practice of law. At a later date he left St. Louis for the purpose of locating in Albuquerque, reaching New Mexico on the 1st of January, 1880. After spending three months in Santa Fé he finally located in Albuquerque about a month or six weeks in advance of the actual completion of the Atchison, Topeka & Santa Fé tracks to that place. He has always continued in the active practice of law and has been accorded a liberal clientage. He served as mayor of Albuquerque in 1887 and as a member of the city council in 1893 and 1894. He filled the office of United States attorney for nearly nine years, from June, 1896, until March, 1905, having been appointed to that office first by President Cleveland, and afterward by President McKinley. For two successive terms of four years each he was a member and president of the board of regents of the Territorial University.

Prior to coming to New Mexico Mr. Childers was made a member of the Masonic fraternity, and both prior to and after reaching Albuquerque took great interest in the fraternity for many years and is still affiliated therewith. During his early residence there he helped to organize all the Masonic bodies in Albuquerque, acting as worshipful master of the local lodge, and was subsequently elected grand master of the lodge in the Territory in 1883.

Arthur H. Harlee, for twenty years a Silver City lawyer, is a native of South Carolina, was educated in Wofford College at Spartanburg, and through school teaching as a means equipped himself for the practice of law. After his graduation from Albany (N. Y.) Law School in 1885, he came to Silver City. He was appointed district attorney of Grant and Sierra counties in 1895.

A leader of the bar of New Mexico for many years past is H. B. Fergusson, of Albuquerque, a delegate to the fifty-fifth Congress. Few men have come to the Territory so well mentally equipped for professional

labors. Born in Alabama in 1848, he was graduated from the academic department of Washington and Lee University of Virginia with the degree of Master of Arts in 1873, having worked his way through and supplemented his course during the last three years by teaching Greek and mathematics. Upon the completion of his classical course he entered the law department of the same institution, from which he was graduated the following year. In 1875-6 he was employed as instructor in the Shenandoah Valley Academy at Winchester, Virginia, and in October of the latter year began the practice of his profession in Wheeling, West Virginia. As a partner in the firm of Jacob, Cracraft & Fergusson, of Wheeling, he came to New Mexico in 1882 to look after the interests of the North Homestake Mining Company. Making his temporary headquarters at White Oaks, he devoted two years to the settlement of this celebrated case in the courts, winning a reputation as a mining lawyer. In 1884 he severed his connection with the Wheeling firm and located for practice in Albuquerque. His time has been devoted largely to handling important mining cases and a general civil practice, though he has also conducted a number of criminal cases of note. In 1894 he was employed by Secretary Olney as special United States attorney in the prosecution of S. M. Folsom, president of the Albuquerque National Bank, for the violation of the federal banking statutes; and in the prosecution of the case against C. H. Dane, of Deming, for misappropriation of the funds of the bank of which he was president.

As the candidate of the Democratic party he was elected to the fifty-fifth Congress, in which he secured the passage of the act which has since been popularly known by his name, the provisions of which are detailed elsewhere in this work. He also carried to Washington a renewal of the application of the citizens of New Mexico for statehood, his chief argument in support of the measure being based upon the land titles in the Territory—the land court created for passing upon titles to the numerous land grants in the Territory having found many of them to be of a fraudulent nature. As most of the best land had been granted to individuals or associations or sold, he argued that unless the Territory could obtain the rights of statehood it would be but a short time before all the best land would be lost to the Territory in this manner. The value of Mr. Fergusson's service to New Mexico in this one particular alone cannot be overestimated. His professional practice has been very successful and his contemporaries freely accord him a position at the head of the New Mexico bar.

O. N. Marron, of Albuquerque, has been engaged in practice in that city since his admission to the bar in May, 1891. Born in Port Henry, Essex county, New York, in 1861, he received his education there. In 1889 he came to New Mexico as assistant superintendent of the United States Indian school at Albuquerque and during his leisure hours read law in the office of W. B. Childers. Upon the opening of the new Indian school at Santa Fé in August, 1890, he was transferred to that institution. In April, 1891, he returned to Albuquerque, where he was soon afterward admitted to the bar. From that time until Needham C. Collier was appointed to the supreme bench Mr. Marron practiced as his partner; and for four years thereafter served as clerk of the district court under appointment by Judge Collier. During his term as clerk Judge Collier appointed him to the office of master in chancery, and while occupying this post he sold the Atlantic & Pacific Railroad Company's property in settlement of

the litigation in which that company became involved. Mr. Marron's professional labors have been rewarded with ample success. He has taken an active, though unselfish, interest in public affairs, and for three terms served as mayor of Albuquerque. In politics a staunch Democrat, he has been chairman of the territorial Democratic central committee, and has always exhibited a profound interest in the undertakings of his party. Mr. Marron was one of the organizers of the State National Bank of Albuquerque, of which he is president.

William Courtland Wrigley, one of the leading attorneys of Raton, New Mexico, was born in Philadelphia, Pennsylvania, April 9, 1853, son of William C. and Mary Jane (Quigg) Wrigley.

After receiving a public school and collegiate education in his native city he read law in the office of William B. Mann, of Philadelphia, and was admitted to the bar in 1876, following which he entered upon the practice of law there. Leaving Philadelphia in 1882, he came west to New Mexico, where he has resided since that time, with the exception of a year and a half spent in Denver. His first location in New Mexico was at Springer. After his return from Denver he settled at Raton, where he has since practiced law and figured prominently in public affairs. During his early residence here he was especially active in politics. He served as chairman of both county and territorial Republican committees, and canvassed the county and Territory respectively for the Republican nominees. In 1889-90 he was district attorney. Public-spirited and progressive, he has taken a keen interest in local improvements, in the furthering of which he has been influential, having helped to secure needed legislation. He prepared a number of bills that became laws, among them two funding laws, seven laws allowing cities to build sewers and charge the expense to abutting property, sidewalk law, amendments to municipal law, etc. He has made a special study of the land laws of New Mexico and is the author of some valuable literature on this subject, as well as on various other subjects. He was president of the Bar Association in 1904, the minutes of which meeting he published.

Mr. Wrigley married Miss Sarah L. Yocum, by whom he has two children, a son and a daughter, Price and Marella.

The professional labors of Frank W. Clancy have left an indelible impress upon the political life of New Mexico, especially upon Bernalillo county. Mr. Clancy has been engaged in the practice of law in the Territory since 1874. Born in New Hampshire, in 1852, he was educated in the common schools and was graduated from the law department of Columbian University in 1873. The same year he was admitted to the bar in the District of Columbia, and in 1874 came to New Mexico, being admitted to practice in the Territory in September of that year. In 1879 he was appointed clerk of the supreme court and served three and a half years. He practiced in Santa Fé from March, 1883, until the close of March, 1891, and has since been continuously in practice in Albuquerque. He has served as mayor of the latter city for one term and in March, 1901, was appointed district attorney for the second judicial district, comprising the counties of Bernalillo, McKinley, Valencia and Sandoval. He is still filling the position and is highly regarded for his integrity and faithfulness as lawyer and public official.

Summers Burkhart, an attorney at Albuquerque, was born in the Shen-







*J. Keahy*

andoah Valley of Virginia in 1861, and has been a resident of New Mexico since June, 1880, being at that time about eighteen years of age. He was appointed a clerk of the district court at Santa Fé in 1889, under Judge Reeves, having been admitted to the bar in the previous year—1888. Immediately after his appointment as clerk of the district court he was appointed clerk of the supreme court and filled that position until 1891. In the meantime, in 1890, he came to Albuquerque and engaged in the practice of law, being associated with Neill B. Field from 1890 until 1893. In 1894 he was appointed assistant United States attorney in the court of private land claims by President Cleveland and took part in the trial of many important land grant cases, including the famous Peralta-Reavis case. He also assisted in the trial of the criminal case against Reavis in 1896, prepared the indictments and acted as one of the attorneys for the prosecution at Santa Fé, the trial resulting in the conviction of Reavis. A detailed account of this is given elsewhere in this work. Mr. Burkhart continued to act as assistant United States attorney until 1896, when he resigned. He has been very successful in his practice before the supreme court of the Territory, and while a general legal practitioner he makes a specialty of civil cases. He is a lawyer of broad learning, sound in his reasoning, logical in his deductions and presenting his cause with clearness and force. He ranks among the strong and able attorneys of the New Mexico bar.

A. B. McMillen, who has been engaged in practice in Albuquerque since January 31, 1893, came to New Mexico well qualified for his career. Born in Van Wert county, Ohio, March 15, 1861, he was reared on a farm. After his public schooling he entered the law department of the University of Michigan, from which he was graduated with the class of 1886. After practicing his profession in Paulding, Ohio, for five years, in June, 1891, he went to Los Gatos, California, where he remained until coming to Albuquerque. Mr. McMillen's professional labors have been greeted with abundant success. While his principal practice has been in the line of corporation law he has become recognized as an authority on matters pertaining to land grants and is one of the largest owners of land grants in the Territory.

He is a Mason and has filled all the chairs in Temple Lodge No. 3, of Albuquerque. Politically he espouses the cause of the Democracy, but has not sought public office. He has exhibited a deep interest in historical matters, and was one of the organizers of the History Club at Albuquerque.

Jeremiah Leahy, district attorney for the third district of New Mexico, comprising Colfax and Union counties, was born in Ottawa, Illinois, September 15, 1861, son of John B. and Ellen (Stack) Leahy. He attended the public schools and at Valparaiso, Indiana, was a student in the Normal School, where he took a special course, after which he taught school two years in Livingston county, Illinois. Then he read law at Pontiac, Illinois; in June, 1888, was admitted to the bar, and at once began the practice of his profession at Pontiac, where he continued until December of that year. December 12 he landed in Springer, New Mexico, having come here to take charge of the irrigating system at Springer, which business he conducted two and a half years. Since 1891 he has been engaged in the practice of law at Raton. He was first appointed district

attorney in March, 1897, by Governor Otero, and has been appointed every two years since that time. He was elected to the New Mexico council in 1904, and as a member of that body introduced the present road law. In 1892, 1893 and 1895 he served as city attorney of Raton, and again in 1897. In 1899, as prosecutor he conducted the trial of Thomas Ketchum, alias Black Jack, for assault with intent to commit a felony on a train on the Colorado and Southern railroad, in Union county. The verdict of the jury was affirmed by the supreme court. In the meantime the legislature had opportunity to repeal the law, but declined to do so, and the death penalty was inflicted at Clayton in April, 1900. Another case which Mr. Leahy prosecuted was that of William H. McGinnis for the murder of Deputy United States Marshal Ed Farr, in Turkey canyon, Colfax county. McGinnis was captured August 16, 1899, convicted and received a life sentence. (See history of Crime.) Mr. Leahy has always been a Republican and is, fraternally, an Elk; has served as exalted ruler of his lodge.

November 29, 1894, he married Miss Mary O'Brien, daughter of Hon. James O'Brien, a former chief justice of New Mexico.

Judge Byron Sherry, a representative of the bar of Otero county, living in Alamogordo, is a native of Pennsylvania. His professional training was received in St. Louis, Missouri, and he was admitted to the bar in Atchison, Kansas, in 1860. For several years thereafter he practiced principally in Leavenworth, becoming well known as a trial lawyer, especially in connection with the practice of criminal law. In 1878 he returned to Missouri after having served upon the bench at Leavenworth. He was a member of the Kansas City bar from 1878 until 1897, when he went to Sabine Pass, Texas, and remained there until the fall of 1900, when he came to Alamogordo. He is regarded as one of the strong members of the New Mexico bar and one of the most substantial and worthy citizens of the Territory.

Among the leading ranks of the enterprising business men of Raton, New Mexico, is found the subject of this sketch, Hugo Seaberg, who came to this place from Springer some two years ago. Mr. Seaberg was born in Borgholm, Sweden, in 1869. He landed in New Mexico in 1888 and located at Springer in Colfax county, where he applied himself to the study of law. The following year he was admitted to the bar and at once began the practice of his profession there, in connection with which he soon became actively interested in real estate. From Springer he moved to Raton. Here he has established himself in a law practice and is also dealing in real estate and making investments, and here with larger opportunities he has met with greater success. During the past two years he has bought and sold on his own account a quarter of a million acres land script. He is an authority on these transactions. With keen foresight, Mr. Seaberg has made numerous wise investments. He is the owner of the Seaberg Block, a valuable business building in the center of town, covering an entire block, and he also owns other business and residence property. The theatre he built is one of the largest in the southwest, and he has also given his city a modern hotel. He is a well trained lawyer, is broadly educated, and speaks four languages.

Mr. Seaberg married Miss Lottie V. Mills, and they have one daughter, Agnes Esther.



*Yours truly*  
Hugo Sakberg



Edwin C. Crampton, of Raton, engaged in the active practice of law, was born in LaGrange county, Indiana, September 18, 1871, his parents being William and Emily A. (Cook) Crampton. The father was a native of the town of Bourne in Lincolnshire, England, and was born in 1830. He was reared to agricultural pursuits and in 1851 left England to become a resident of southern Michigan. Eventually he settled in northern Indiana, establishing his home in LaGrange county in 1853. His financial resources were meagre, but he purchased land and began the development of a farm. He was married there to Miss Emily A. Cook and they began their domestic life on a farm which was originally taken up from the government by John Cook, his wife's grandfather, who came from Yorkshire, England, and settled in Indiana in pioneer times. Captain Cook, the noted discoverer, was a member of the same family, while in the maternal line Mrs. Crampton was descended from the Cowans of Rhode Island. Her grandfather, David Cowan, served when very young for eighteen months with the Rhode Island troops in the Revolutionary war.

Edwin C. Crampton acquired his early education in the common schools of his native county, subsequently attended the high school at Lima, Indiana, and acquired his academic and collegiate education in Indiana University at Bloomington, that state. He then began preparation for the practice of law, and in 1899 received the degree of Bachelor of Law from the law department of the same institution. He entered upon the active prosecution of his profession in his native state and was thus engaged in Indiana, and also in legal editorial work in St. Paul, Minnesota, until early in 1905. He assisted in the compilation of numerous reference and text-books, principally digests of laws, in various states, including Illinois, New York, Ohio, North Dakota, South Dakota, New Jersey and Georgia, and general federal laws. He assisted in compiling the Century Digest and the Federal Digest and collaborated with others in the work of issuing several text-books. Early in the year 1905 he entered into an arrangement for the practice of law in Raton. Mr. Crampton has a large and distinctively representative clientage and has been entrusted with much important litigation since he became a member of the bar at Raton. He is a member of the Raton Commercial Club.

R. Marvin Turner, serving for the second term as district attorney of Grant county, his home being in Silver City, was born in Dallas, Oregon, February 7, 1868, a son of James H. and Sallie C. (Stevenson) Turner. The father was a lawyer, and R. Marvin Turner, after acquiring his early education in the schools of Pendleton and Portland, Oregon, determined to devote his attention to the same profession and matriculated in the law department of the Michigan State University at Ann Arbor, from which he was graduated with the class of 1889. He was admitted to the Michigan bar and was afterward admitted to the Oregon bar after his return to the Pacific coast. He opened an office in Pendleton, where he engaged in active practice until 1900, when, on account of his health, he came to New Mexico. Here he has since engaged in law practice, and his thorough understanding of the principles of jurisprudence, combined with his clear and logical reasoning, make him a strong and able representative of the legal fraternity here.

While living in Oregon, Mr. Turner was active in political circles, but held no office. He is a staunch advocate of Republican principles and is a

member of the committee for Grant county in the non-partisan statehood league. In 1903 he was elected to represent his district in the territorial legislature, and in March of the same year he was chosen district attorney, which position he is now filling for the second term. During his incumbency in office he prosecuted Frank Chenoweth for the murder of Kilburn, the city marshal of Silver City, and secured his conviction.

On the 11th of July, 1892, Mr. Turner was married to Miss Ida Switzler, a native of Oregon, and they have two sons, Switzler and Russell. Mr. Turner is master of Silver City Lodge, A. F. & A. M., is exalted high priest of the chapter, is a member of the commandery and is past exalted ruler of the Elks lodge. He is a friend of public education and of the normal school and gives active co-operation to many measures for the material, intellectual and political progress of his community.

Amos Weber Pollard, prosecuting attorney for Luna county and a resident of Deming, came to this place on the 6th of October, 1901. He was born in Portage, Wisconsin, April 21, 1870, a son of Amos B. and Fannie F. (Weber) Pollard. His boyhood and youth were passed in the state of his nativity, and his more specifically literary education was completed in the Portage High School, after which he spent several years in commercial practice. He was, in 1899, commercial clerk in the state treasurer's office in Madison. He afterward matriculated in the law department of the Wisconsin University of Madison, from which he was graduated in 1901. He was admitted to the Wisconsin bar, and a few months later came to New Mexico.

On coming to the southwest Mr. Pollard practiced first in Deming, New Mexico, arriving in this city on the 6th of October, 1901, from Phoenix, Arizona, where he had resided during the winter of 1900-1. He opened an office for the practice of law, and has since been closely connected with the legal profession. He possesses keen, analytical ability, and in the presentation of his case his deductions follow in logical sequence. He has comprehensive knowledge of the principles of jurisprudence, and his careful trial of a case indicates thorough preliminary preparation. In March, 1905, he was appointed to the office of district attorney, in which capacity he is now serving. He had served as village attorney of Deming in 1903, and in the same year was elected to represent his district in the thirty-fifth session of the territorial legislature. Always interested in political questions and issues involving the welfare of the county, the Territory and the nation, he is a stalwart and unfaltering supporter of the Republican party, believing that its principles contain the best elements of good government. In connection with his other interests he is a stockholder in the Deming National Bank, and all matters relating to the progress and welfare of the community receive his endorsement and liberal co-operation.

Mr. Pollard was made a Mason in Deming and is now master of Deming Lodge No. 12, A. F. & A. M. He is likewise secretary of the Royal Arch Chapter and a member of the commandery. He was married to Edith E. Rogers, of Portage, Wisconsin, a daughter of J. H. Rogers, an attorney of that city, and they have one daughter, Wandra. The position of the family socially is a prominent one, for they have gained many friends among the best class of citizens during their residence in Deming.

Herbert B. Holt, of Las Cruces, district attorney for the eighth judicial







*Granville A. Richardson*

district, composed of Doña Ana, Otero and Lincoln counties in New Mexico, has filled this position since the spring of 1905, and is also regent of the Agricultural College. A native of Connecticut, he pursued his literary education in the schools of that state and of Massachusetts and studied law in Topeka, Kansas, further continuing his legal education under the direction of Judge S. B. Newcomb, of Las Cruces. For twelve years he was official stenographer for the third district courts, and in the fall of 1897 was admitted to the bar, since which time he has been engaged in active practice with a large and growing clientage, indicative of his capable manner of handling the important litigated interests entrusted to him. The same year of his admission to the bar he was made chief clerk in the New Mexico council. For five years he has been regent of the Agricultural College and secretary and treasurer of the board, and in March, 1905, he was appointed to the position of district attorney for the eighth district, in which capacity he is now serving.

Mr. Holt is deeply interested in the work of improvement and development in New Mexico, has been very active in promoting the irrigation interests and was one of the organizers of the Elephant Butte Water Users' Association of New Mexico, which was formed in January, 1905, since which time he has been its president. He is a man of great public spirit, displaying ready recognition of opportunities, which he utilizes for the general good as well as individual success.

New Mexico, in a recognition of her prominent citizens, acknowledges her indebtedness to Granville A. Richardson for active co-operation in many business enterprises and movements which have had direct and important bearing upon the progress, upbuilding and prosperity of the Territory. As a prominent attorney of Roswell, he is widely known and he has also left the impress of his individuality upon legislative history and upon material development. Born in Ohio, he was reared in Kentucky, and after mastering the elementary branches of learning pursued an academic course in Emanuel College in Kentucky, where he won the Bachelor of Arts degree. He pursued the study of law in the University of Michigan at Ann Arbor and gained therefrom the degree of doctor of law. He was admitted to the bar before the court of appeals at Frankfort, Kentucky, in July, 1886, and in September following came to New Mexico, locating first in Lincoln county, where he practiced for a short time in partnership with George B. Barber, removing thence to Roswell in 1888. He opened the first law office in the Pecos valley. Subsequently he formed a partnership with Warren & Fergusson at Lincoln and continued with them for about a year. He practiced alone in Roswell until 1902, when he organized the present firm of Richardson, Reid & Hervey, which has an important and distinctively representative clientage, being connected with the leading litigation tried in the courts of this district. Mr. Richardson has always enjoyed a large practice and has a wide reputation for superior ability in the line of his profession. Soon after coming to Roswell he became attorney for the Pecos Irrigation & Improvement Company and was made local attorney for the railroad company when its line was extended through this county. He has always prepared his cases with painstaking care and precision, is strong in argument, sound in reasoning and logical in his deductions, and his devotion to the clients' interests is proverbial. He is an able lawyer of wide erudition, correct in his adapta-

tion of legal principles, and his success has gained for him a foremost place in the ranks of the legal fraternity of the Territory.

Not alone in the line of his profession, however, has Mr. Richardson figured in public life. In 1890 he was elected to represent the ninth senatorial district in the general assembly of the Territory and served for one term. In 1892 he was a delegate from the Territory to the Democratic national convention. In 1898 he was again elected to the Territorial senate and for eight years he has been president of the commission of irrigation, New Mexico. He is likewise a member of the board of regents of the New Mexico Agricultural College, and for the past four years has been president of that board. He is very active in educational movements, standing as the champion of an advanced system of public instruction and for the establishment of such educational institutions as shall be a credit and honor to the state in providing its sons and daughters with opportunities for intellectual progress. In the year 1905 Mr. Richardson was president of the New Mexico Bar Association, which indicates his high standing in the profession. He is also president and one of the most active and helpful members of the Roswell Commercial Club, looking to the material upbuilding and substantial development of Roswell along those lines which are a matter of civic pride and virtue. He is deeply interested in the agricultural, horticultural and stock raising interests of the Territory, has studied possibilities along these lines and has been the champion of the question of the irrigation of the arid lands. His most important and most recent position is that of special commissioner, by appointment of the supreme court of the United States, to take and direct the taking of testimony in the celebrated suit of Colorado vs. Kansas.

A prominent representative of the bar of the Southwest is J. M. Hervey, of Roswell, who is known as a man of high attainments as a lawyer and as one who has achieved success in his profession. He went to Lincoln on the 23rd of December, 1886, receiving his education in its public schools, and then entered Albion College, of Michigan, in 1894, where he spent one year. In 1896 he matriculated in Ann Arbor University, where he graduated in the law department in 1899, and in April, 1900, he commenced the practice of his profession in Roswell, where he had lived since June 21, 1887. From the beginning of his career as a legal practitioner his efforts have been attended with success, for he has largely mastered the science of jurisprudence, and his deep research and thorough preparation of every case committed to his care enable him to meet at once any contingency that may arise. Mr. Hervey was appointed to the office of district attorney on the 19th of March, 1903, to which position he was reappointed March 16, 1905, being the present incumbent. He is a member of the Chaves County Bar Association, also of the Territorial Bar Association, and in 1903 was made vice-president of the fifth judicial district.

Colonel George W. Prichard, ex-attorney general of New Mexico, has been an attorney at the territorial bar for more than a quarter of a century. He was born at New Harmony, Indiana, a son of James E. Prichard, who was on the bench for a number of years. Colonel Prichard graduated from the literary and law departments of the University of Michigan, at Ann Arbor, leaving that institution in 1872. He practiced law at Little Rock, Arkansas, for some years following his graduation, and Governor Powell Clayton of that state appointed him lieutenant-colonel of





*W. S. Davis*

the Arkansas Militia. In 1876 Colonel Prichard was a candidate for presidential elector on the Republican ticket, a rare honor for so young a man. In 1879 he came west in quest of health and settled at Las Vegas. Twice he has been elected to the legislative council. In 1882 President Arthur appointed him United States attorney for Mexico, which position he filled until the Cleveland administration appointed a Democrat in his stead. He served as solicitor general from 1904 until the spring of 1906, and is now engaged in the private practice of law in Santa Fé. He was for some time an independent practitioner in White Oaks. He is honored by his fellow citizens and is esteemed as a man of eloquence, of talent, of integrity, of large legal experience and knowledge. He has been a staunch Republican from the day he attained his twenty-first year and has fought many a valiant and hard battle for party success. He was initiated a Knight of Pythias in Eldorado Lodge No. 1, at Las Vegas, and was supreme chancellor from 1880 until 1884 and is also past grand chancellor.

Edward L. Medler,\* of Albuquerque, who has been assistant United States attorney of New Mexico since 1901, has engaged in practice since 1894, when he was admitted to the bar, in Los Lunas. He was born in Washington, D. C., in 1873, and came to Albuquerque in 1881. Ten years later he entered the employ of W. B. Childers, of Albuquerque, as stenographer and under the direction of his employer took up the study of law. After his admission to the bar he was graduated from the law department of Yale University, with the class of 1895. In 1901 he was appointed assistant to W. B. Childers, then United States attorney, and has continued in that office under W. H. H. Llewellyn. He has had entrusted to him a number of important cases and is making a splendid record in his practice before the courts of the Territory.

Antonio Abad Sedillo, attorney at law at Socorro and ex-district attorney of Socorro county, was born April 15, 1876, in the city where he yet resides. He is descended from Antonio Jose Sedillo, the original grantee of the Antonio Sedillo land grant, lying partly in Valencia and partly in Bernalillo counties. His son, Antonio Abad Sedillo, Sr., grandfather of our subject, was school commissioner of Socorro county when it included Sierra county. The parents of our subject were Rufino Sedillo and Donaciana Montoya Sedillo. Mr. Rufino Sedillo was probate clerk of Lincoln county in the years 1877 and 1878 and was afterwards deputy probate clerk of Socorro county for many years. Mrs. Sedillo is a direct descendant of two well known and influential families of Spanish extraction in the Territory of New Mexico, namely, the Montoya and Baca families.

Antonio A. Sedillo acquired his education in the public schools and the night school. He is practically a self-made man. He pursued his law course under the direction of the Sprague Correspondence School of Law

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\*Edward Medler, father of Edward L., was at one time a prominent contractor of Albuquerque, coming to this city from Washington, D. C., in 1880. The building of the town had just been started and he erected many of the most important business structures, as well as many handsome residences during the period in which he made his home in the territory. Among these were the famous San Felipe Hotel, which occupied the site on which the Elks Opera House now stands; the N. T. Armijo block; the Cromwell block; the First National Bank building; the Fergusson building; the Bernalillo county court house and several of the city school houses. In 1901 he removed to Los Angeles, California, where he now resides.

and read at times with others. He was admitted to the bar of El Paso, Texas, April 5, 1899, and began practice here in 1900, while in 1901 he was admitted before the supreme court of New Mexico. He had previously done hard manual labor at a smelter, and had also been employed as clerk in several stores and as a sewing machine agent in Socorro county, and in a curio store in El Paso, and he was deputy probate clerk for three years, while for one year he was deputy county assessor of Socorro county. He taught school in Socorro and Sierra counties, and was principal of the public schools in the city of Socorro for a few months. For one year he acted as city clerk and was chief interpreter in the house of the territorial legislature during the thirty-fourth and thirty-fifth general assemblies. In 1903 he was appointed district attorney and served for one term, during which time several important cases came up before the courts, one in regard to the settlement of the finances of Socorro county, in which, associated with Mr. Fergusson, he secured eighteen thousand dollars judgment for the county.

Since retiring from office Mr. Sedillo has engaged in private practice and has been connected with much of the important litigation tried in the courts of his district. Quite a number of notable cases have been conducted by Mr. Sedillo, who as counsel for the defense or prosecution, has shown marked ability in handling his cause.

On the 22d of April, 1901, was celebrated the marriage of Mr. Sedillo and Miss Gertrudis (Tulita) Vigil, of Socorro county. Their children are: Juan Antonio, Manuela Cupertina and Rufino Rodolfo.

In his political affiliation Mr. Sedillo is a stalwart Republican, well informed on the issues of the day and recognized as a leader in the local ranks of his party. He was secretary of the Republican central committee of his county for six or eight years, and has edited Spanish papers during the campaigns in support of the principles of the party. He made his first political speech at the age of twenty years and has since delivered many public addresses in support of political principles and candidates.

William C. Heacock has resided in Albuquerque since the spring of 1881 and was the first police judge of the city. He was born in Buffalo, New York, in 1850 and was graduated from the United States Naval Academy at Annapolis, Maryland, in 1872. He served for eleven years in the navy, attaining the rank of master, equivalent to the present rank of lieutenant. While in the naval service he took up the study of law and was admitted to the bar in Reading, Pennsylvania, in 1880. In the spring of 1881 he came to Albuquerque and compiled the first ordinances of the city and also acted as its first police judge. He has enjoyed an extensive and successful practice in criminal law and is recognized as one of the most able advocates at the New Mexico bar, with a comprehensive knowledge of jurisprudence and a keen analytical mind that enables him to correctly apply his knowledge to the points in litigation.

William Edgar Kelley, an attorney at law at Socorro, New Mexico, who was a member of the constitutional convention of 1889 and has exerted considerable influence in public affairs, was born July 18, 1836, in St. Joseph county, Michigan, before that state had been received into the Union. He was reared and educated in the north and in 1863 was married to Sophia Lincoln, who was a native of the state of New York, but



at the time of her marriage was living in Coldwater, Michigan. She died in the year 1890.

On leaving his native state William E. Kelley removed to Kansas and afterward went to Mississippi, where he remained for about seven years. He was admitted to the bar in that state in 1874, and practiced at Granada, Mississippi. In 1875 he was before the United States senate investigating committee at Jackson, Mississippi, as a witness concerning the election frauds that had been perpetrated that year in that state, and he served as superintendent of schools there for a year and was also in the internal revenue service. After spending seven years in Mississippi he returned to Michigan and was admitted to the bar in that state. He arrived in New Mexico in 1879 and entered into partnership with his brother-in-law in the purchase of sheep, which they sent over the trail to Dodge City and thence to Garden City, New Mexico. All that winter Mr. Kelley pumped water by hand for thirty-five hundred sheep. The next winter disaster overtook him in the loss of five thousand sheep. He then went to Socorro in 1881 and opened an office for the practice of law, in which he has since continued, having now a large and important clientage, his legal business being of a distinctively representative character. From 1882 until 1886 he served as justice of the peace, a time when the lawless element was in great force and it required strong determination and fearlessness to bring into subjection the men who were constantly setting at naught the laws of the land. Judge Kelley has always been a stalwart Republican and has long been recognized as a leader of his party in New Mexico. He was a delegate to the statehood constitutional convention of 1889 and was a strong supporter of the constitution, the question being submitted in October, 1890. He is now an advocate of joint statehood. He has been a delegate to the New Mexico territorial conventions and his influence has, in part, proved a decisive factor in settling questions relating to the public policy. In his social relations he is connected with Gem City Lodge, No. 7, I. O. O. F.

Alois B. Renehan, who has been engaged in practice in Santa Fé since 1894, was born in Alexandria, Virginia, January 6, 1869. He received his classical education in St. John's College, at Washington, D. C., and St. Charles College, at Ellicott City, Maryland, and prepared for the law in Georgetown University. Removing to Santa Fé in September, 1892, he was admitted to practice before the Supreme Court of New Mexico in 1894. In 1895 he was appointed city attorney of Santa Fé, and was again elected to the same office in 1897. He was twice Democratic nominee for the Territorial Senate, being twice defeated by narrow majorities. He served for two terms, in 1899 and 1902, as secretary of the Democratic territorial central committee. More recently he has not been very active politically. In the practice of his profession, the court dockets show that he has participated as counsel in the most important litigation in the First Judicial District in the past eight years, with success almost uniform.

Richard W. D. Bryan has been engaged in the practice of law in Albuquerque since January 1st, 1889. Born in Rye, New York, in 1849, he is a son of a Presbyterian minister. He was graduated from Lafayette College, Easton, Pennsylvania, in 1870, and completed a course in the law department of the Columbian University, in Washington, D. C., with

the class of 1876. The same year he was admitted to the bar in Washington. Following his graduation from Lafayette College he engaged in teaching in the Military School, at Westchester, Pennsylvania, and spent two years in the Arctic region as astronomer of the Polaris expedition headed by C. F. Hall (1871-73). From 1873 until 1881 Mr. Bryan was connected with the United States Observatory in Washington, preparing a narrative of the polar expedition, and when Congress bought the records of Hall's second expedition Mr. Bryan completed these for the government. Following his admission to the bar he practiced law in the capitol from 1876 until 1882, and in August of the latter year came to Albuquerque under appointment of the Presbyterian Board of Home Missions as superintendent of the Albuquerque Indian school, in which capacity he served faithfully for six years. He has since been engaged in the practice of law limiting his business to civil matters, his clientage being largely in corporate and commercial lines. In politics he is a Democrat.

C. R. Brice, a member of the firm of Bujac & Brice, attorneys-at-law in Carlsbad, Eddy county, was born in Texas in 1870 and pursued his education in the schools of that state. He is descended from ancestry who came from South Carolina, where they had lived for many generations. Having completed his more specifically literary education Mr. Brice took up the study of law in Memphis, Texas, and practiced before the bar of that state from 1893. Locating in Memphis he followed his chosen profession in the Panhandle until 1899 when he removed to Blooming Grove, where he engaged in the banking business. Ill health led him to seek a change of climate, and on the 1st of May, 1903, he came to Carlsbad. Here, in May, he entered into a partnership with Captain E. R. Bujac, and the firm of Bujac & Brice has since continued in active practice at the bar of Eddy county and of the Territory. They are attorneys for the Pecos Irrigation Company and practice quite extensively in the courts of New Mexico and of Texas, important litigation being entrusted to them. Mr. Brice is a lawyer of considerable power, correct and discriminating in his analysis, logical in his deductions and clear and cogent in his reasoning, and he has won many notable triumphs before court and jury.

W. B. Walton, who has left and is leaving the impress of his individuality upon the history of New Mexico, came to the Territory in the fall of 1891, locating in Deming. He studied law under the direction of S. M. Ashenfelter of that city and in the spring of 1893 was admitted to the bar. In the meantime he had charge of the business and was editorial manager of the *Deming Headlight*, which he purchased in 1893 and published until 1895. In the latter year he was appointed clerk of the Third Judicial District court, and took up his residence in Silver City. He served in that capacity under Judge Gideon D. Bantz, now deceased, continuing in the office until 1898. About that time he sold the *Headlight* and in February, 1898, purchased the *Silver City Independent*. He has since engaged in the practice of law and has been accorded a liberal clientage in recognition of ability, which places him with the foremost representatives of the legal fraternity in this part of the Territory.

A prominent factor in territorial politics, Mr. Walton served, in 1901, as a member of the legislature from the Thirteenth district, comprising what is now Grant and Luna counties. In 1902 he was elected probate

clerk and ex-officio recorder of Grant county and served for two terms. He was a member of the first board of the Louisiana Purchase Exposition managers of New Mexico, and in 1903, when the legislature created a new board, Mr. Walton was re-appointed and served as secretary during the life of the board. He is a leading representative of the Masonic fraternity, a past master of Silver City Lodge, No. 8, A. F. & A. M., a member of Silver City Chapter, No. 2, R. A. M., of Malta Commandery, No. 4, K. T., of Silver City, and of Ballut Abyad Temple, of the Mystic Shrine. He likewise belongs to Silver City Lodge, No. 413, B. P. O. E., Silver City Lodge, No. 12, K. P., and Silver City Lodge, No. 1, A. O. U. W.

Arthur A. Temke, attorney-at-law, of Deming, was born in Calumet county, Wisconsin, December 23, 1872. Having acquired his elementary education in the public schools of his native state and in the State Normal school at Oshkosh; he matriculated from the State University, at Madison, and was graduated from the law department with the class of 1896. He was then admitted to practice, after which he occupied a position in the attorney-general's office at Madison, Wisconsin, for four years. In December, 1901, he arrived in Deming, where he has since remained. Opening an office, he has since practiced successfully at the bar of the Territory.

He has recently prepared a work called "A Digest of New Mexico Supreme Court Reports,"—a volume of much value to the legal fraternity.

Mr. Temke is likewise secretary of the Luna County Telephone & Improvement Company, at Deming, and is secretary of the Luna county Republican central committee. He is now filling the office of village attorney, and in 1904 was a candidate for councilman on the Republican ticket. In May, 1906, he was appointed superintendent of schools of Luna county, by Governor Hagerman, to fill the vacancy caused by the death of N. Francis Duff. He belongs to the Masonic lodge in Deming and is widely recognized for his activity and worth in professional, political and social circles.

J. H. Paxton, a member of the New Mexico bar, practicing at Las Cruces, was born in Rockbridge county, Virginia, in 1871, and having pursued a public school education he entered the University of Virginia, from which he was graduated with the Master of Arts degree. Coming to New Mexico, in 1896, he located in Albuquerque, occupying the chair of languages in the University of New Mexico for six years. He was admitted to the bar at Santa Fé, in 1902, and practiced for three years in El Paso, Texas, while since May, 1905, he has been located in Las Cruces. With broad general and literary knowledge to serve as an excellent foundation upon which to rear the superstructure of professional learning, he has made rapid progress in the difficult and arduous profession of the law and to him has been entrusted much important litigation. Already he has gained a creditable position among the lawyers of Las Cruces and won a gratifying measure of success. He belongs to El Paso Lodge No. 187, B. P. O. E.

Granville Pendleton, a lawyer who for eight years has resided at Aztec, New Mexico, arrived in April, 1898, from Denver, Colorado. He was born in Burkesville, Kentucky, December 1, 1854, and in 1866 accompanied his parents on their removal to Hermitage, Hickory county, Missouri, acquiring his education in the common schools of Hickory and of Dallas

counties. He read law in Hermitage, Missouri, was admitted to the bar in 1875 and was graduated from Washington University in 1877. He continued actively in the practice of law in Hickory county, Missouri, until 1884, when he located in Yuma, Colorado, and was the first county judge of Yuma county, serving from 1888 until 1891. He was afterward appointed district attorney by Governor Routt, in April, 1891, was elected to the office in the fall of that year and re-elected in 1894, serving until 1898, when he came to New Mexico, since which time he has resided in Aztec. He is recognized as one of the Republican leaders of this part of the Territory. He was vice-president of the bureau of immigration for four years, has been president for two years and was a member of the legislature in the thirty-fourth, thirty-fifth and thirty-sixth assemblies. He exerts a wide-felt influence in public affairs and has been a leader in molding public thought and action during the years of his residence in the Territory. He belongs to the New Mexico Bar Association and to the Masonic fraternity, holding membership in Colorado Commandery No. 1, K. T., of Denver. He is also connected with the Elks and the Odd Fellows.

Percy Wilson, of Silver City, a member of the bar and regent of the New Mexico Normal School, was born at Fort Clark, Texas, January 10, 1872. His father, Colonel David B. Wilson, now retired from the United States army, has been for many years a resident of Texas. He served in the Civil war with the One Hundred and Thirty-first Regiment of Pennsylvania Volunteers, afterward veteranized, and at the close of the war became a member of the regular army. He was born in Hartleton, Pennsylvania, and is now living in Sioux City, Iowa. He married Sarah L. Jones, a native of Oswego, New York, and a daughter of a Congregational clergyman.

Percy Wilson attended Macalester College in St. Paul, Minnesota, was graduated from Princeton College, New Jersey, in 1892, with the degree of Bachelor of Arts and completed his law course in the Michigan State University at Ann Arbor with the class of 1894. He was then admitted to the Michigan bar and was admitted to the Denver, Colorado, bar in the fall of the same year. He practiced in Denver until January, 1900, and on the 3d of February of that year opened an office for practice in Silver City, where he has since remained. He is attorney for the Comanche Smelter Company and for various mining and cattle companies and has been very successful during the period of his residence in New Mexico, having a large clientage that has connected him with much of the important litigation tried in the courts of his district.

Mr. Wilson is a Republican, although not very active in politics. He is serving, however, as regent of the New Mexico Normal School. Fraternally he is connected with the Elks. He was married December 25, 1900, to Violetta B. Ashenfelter, a daughter of S. M. Ashenfelter.

Karl A. Snyder, an attorney of Roswell, who in the active practice of law has demonstrated his right to rank with the strong and able members of the territorial bar, came to New Mexico on the 3d of September, 1881. He had been admitted to the bar on the 20th of December, 1880, in Mercer, Pennsylvania. He was born in that state and is a graduate of Oberlin College at Oberlin, Ohio, with the class of 1878. Following his admission to the bar he practiced in Mercer for one year, associated with the firm of Griffith & Son. Coming to Mexico in September, 1881, he entered upon



*Karl A. Snyder.*



the practice of law in Albuquerque in connection with William C. Hazledine, with whom he continued for a few months, when he was appointed by Judge Parks as clerk of the district court of the district comprising Bernalillo, Socorro and Valencia counties. In June, 1882, he resigned that office to resume the private practice of law and on the 1st of February, 1883, in collaboration with Judge Hazledine, he organized the law department of the Atlantic & Pacific Railroad Company with headquarters at Albuquerque. Judge Hazledine was made general attorney for the corporation and Mr. Snyder assistant, and opened offices over the First National Bank, where they remained for nine years. On the 2d of January, 1892, Judge Hazledine died and was succeeded by Captain C. N. Sterry. Mr. Snyder continued as assistant general attorney for the railroad company until the 1st of April, 1898, when the offices of the railroad Company were removed to Los Angeles, California, and he resigned. Entering upon the private practice of law in Albuquerque, he remained there until January, 1900, when he came to Roswell, where he opened an office. In a profession where advancement depends entirely upon individual merit and capability he has risen to a prominent position. In the trial of a case he gives to each point its due prominence, never losing sight of the important point upon which the decision of every case finally turns. On the 4th of March, 1905, he was appointed United States commissioner at Albuquerque by Judge Pope. In 1898 he was a candidate for judge of the second judicial district of New Mexico.

Mr. Snyder has always been an earnest champion of Republican principles, and has been recognized as a leader in the ranks of the party in his section of the Territory. He was secretary of the Republican county central committee in Bernalillo county for a number of years and was a member of the board of education at Albuquerque for six years. His devotion to general progress along lines of individual development and material advancement has been manifest in hearty co-operation with many measures for the public good.

He married at Glenwood, Iowa, December 25, 1882, Miss Evelyn Buckingham Lewis, of Newark, Ohio, daughter of James E. and Emma Buckingham Lewis. Four children have been born: Helen D., a Presbyterian missionary at Porto Rico; Herman L., who is with the First National Bank of Albuquerque; Evelyn and Robert S., at home.

Colin Neblett, an attorney-at-law of Silver City, and member of the legislature from Grant county, is a native of Brunswick county, Virginia, born July 6, 1875. He was reared and educated in Virginia, attending the preparatory schools and afterward pursuing a law course in Washington and Lee University at Lexington, from which he was graduated in the class of 1897. He was then admitted to the bar and practiced for a few months in Virginia, but in 1898 came to New Mexico and has since resided in Silver City. He has a general practice and has won more than local renown as a criminal lawyer, conducting many important cases in which his knowledge of the law, his oratorical power, his keen analysis and logical deductions have made him a formidable adversary in forensic combat.

Mr. Neblett, supporting the Democratic party, exerts considerable influence in its local and state ranks. In 1904 he was elected to represent the thirteenth district composed of Grant and Luna counties in the house of representatives, and for four years he has been chairman of the Dem-

ocratic county central committee. He belongs to Silver City Lodge No. 8, A. F. & A. M., and to the Royal Arch chapter, and is also affiliated with the Benevolent and Protective Order of Elks.

Frank J. Wright, attorney-at-law at Silver City, was born in Emmetsburg, Frederick county, Maryland, and spent his early life in Frederick and Carroll counties of that state. His father conducted a private school in Uniontown, Carroll county, and at the age of nineteen years Frank J. Wright began teaching in Frederick county. When twenty-one years of age he went to Washington, D. C., to become professor in a female seminary at Georgetown, where he remained for three years, but he regarded this merely as an initial step to other professional labor, and in the meantime took up the study of law, being admitted to the bar at Washington in 1876. He then practiced in the capital city until March, 1880, and in the meantime was admitted to practice in the Supreme Court of the United States. Going to Colorado in 1880, he was admitted to practice at the Denver bar, and in November of the same year he came to Silver City, New Mexico, which had been his objective point on leaving Washington. In the winter of 1880-1 he was admitted to the bar here and has practiced continuously since, being very successful and handling numerous important cases. He was associated with John Bell from 1889 until 1895, when the partnership was terminated by the death of Mr. Bell. He is logical in his deductions, sound in his reasoning and strong in his arguments, and is regarded as one of the ablest representatives of the Grant county bar.

Mr. Wright has never been very active in political circles, although he gives staunch support to Republican principles and is able to support his position by intelligent argument. He served, however, as city attorney for eleven years, and has been active in school work. He was chairman of the local board of examiners of teachers about 1882, 1883 and 1884, and he was largely instrumental in establishing the excellent schools of Silver City with competent teachers and all modern facilities. He is deeply interested in the cause of public education and his efforts in this direction have been far-reaching and beneficial. For seventeen years he has been a member of the Knights of Pythias fraternity, in which he has passed all of the chairs.

E. S. Whitehead, a lawyer of Aztec, located at Farmington, New Mexico, in 1898, and at Aztec in 1906. He was born in London, England, and has been a resident of the United States for twenty-five years, coming to this country at the age of twenty-seven, accompanied by his wife. In early life he was an expert accountant, but finally prepared for the bar and practiced in La Plata county, Colorado, for four years. He was also county attorney there for one year, and he practiced in Pitkin county, Colorado, for about three years. After his removal to Aztec he established a law office and also opened a complete set of abstract books. In politics a Democrat, he is active in support of the party, but is not an office seeker. He belongs to the Masonic fraternity, is a past master of Farmington lodge, and has been deputy grand master for his district.

D. J. M. A. Jewett, engaged in the practice of law at Capitan, came to New Mexico in 1866 in command of United States troops. He was born in Massachusetts and was educated in England and France, being a student at Rugby, Woolwich and Sandhurst, in England. He prepared





S. J. M. A. Jewett



for his profession as a law student in Middle Temple, in London, and acquired a knowledge of engineering in military schools. At the time of the Civil war, espousing the Union cause, he became a private of the Eighth Massachusetts Infantry and later was a member of the Nineteenth Massachusetts Infantry. He served in all of the campaigns of the Army of the Potomac, and entering the army as a private he won promotion from time to time in recognition of his meritorious service until he gained the rank of brigadier general. With previous military experience as a lieutenant-colonel in the British army, he rendered valuable aid to the United States government in the efforts to preserve the Union. As stated, he came to New Mexico in 1866 with a command of United States troops. Attracted by the opportunities of this great and rapidly developing country, he returned to the Territory, and in July, 1880, located at White Oaks, where he followed civil engineering. Eleven years were there passed, during which time he enjoyed a good patronage in his business and was also a prominent and influential factor in the work of public development and improvement. In 1880 he was chairman of the Detective Association formed to suppress the lawless element and protect the citizens against the outlaws known as the "Rustlers." He has ever stood as an advocate of progress, right, reform and improvement, and has done much to uphold the political and moral status of the communities with which he has been connected. He conducted business as a civil engineer until 1889, when he resumed the practice of law, for which he had prepared in England, and in which he has since continued. He was also special agent of the land office and was inspector of surveys in New Mexico. In 1891 he removed to Lincoln, where he continued in the practice of law, and in 1896 he came to Capitan, where he opened his law office and has since engaged in the prosecution of his profession, having a liberal and distinctively representative clientage. In the trial of a case he is strong in argument, careful in his preparation and logical in his deductions and has won many notable forensic contests. He is also interested in mining.

Mr. Jewett has long been recognized as a leader in the ranks of the Republican party in the Territory, and in 1884, in connection with W. H. H. Llewellyn, Wallace Holt and George B. Barber, of Lincoln, he organized the Republican party in Lincoln county. He continued an active participant in the management of the party affairs until 1892, when he retired from political circles as a manager of party interests, but in 1902 again entered upon active work in behalf of Republican successes. A man of intellectual force and scholarly attainments, he has exerted a strong influence in behalf of progress and improvement, and he is today one of the leading citizens and prominent lawyers of the New Mexico bar.

Abram Crawford Voorhees, an attorney practicing at Raton, was born in Harrison county, Ohio, April 9, 1856, a son of George W. and Elizabeth A. (Bretz) Voorhees. His common school education was supplemented by preparation for the bar, to which he was admitted before the Supreme Court of Ohio, December 6, 1881. In February, 1882, he came to New Mexico and has since practiced continuously in Raton, having today a large clientage. In politics a Republican, he is deeply interested in the success of his party, and in 1884 was elected to the territorial council, but was counted out. He was the first Republican of his district

chosen to that office. He has served several times as chairman of the Republican county committee, has been a member of the school board for several years and assisted in carrying the vote for the establishment of the north side school at Raton. He was local attorney for Santa Fé from 1883 until January, 1903, and has been attorney on a number of important murder trials.

Mr. Voorhees was married to Jennie P. Williams, a native of Ohio, and they have three sons and two daughters: David D., James S., Frederick, Helen Louise and Margaret E.

Horton Moore, an attorney at Las Cruces, was born at Flat Rock, in Bourbon county, Kentucky, March 23, 1870, and supplemented his education acquired in the schools of Paris, Kentucky, by study in Kentucky University, where he remained as a student from 1888 until 1893. Following the completion of his education he was admitted to the bar in the fall of 1893 and practiced for three years in Lexington, Kentucky. He then went to Albuquerque, New Mexico, for his health, and continued in the practice of his profession there from the fall of 1896 until 1903. Since the latter year he has practiced in Las Cruces. He was city attorney of Albuquerque for three terms, elected on the Democratic ticket, and was at one time candidate for the territorial senate. He is a recognized leader in the ranks of his party in New Mexico, his opinions carrying weight in the party councils. His attention, however, is chiefly concentrated upon his professional duties and his devotion to his clients' interests is proverbial, while his thorough understanding of the principles of law and his forceful presentation of his cause in court has secured for him a liberal and growing clientage.

In Louisville, Kentucky, in 1896, Mr. Moore was married to Miss Katharine Innes Adams and they have one son, Horton Moore. Mr. Moore belongs to Covenant Lodge, No. 26, I. O. O. F., of Lexington, Kentucky. He is interested in public affairs in New Mexico, giving earnest support and co-operation to measures for the general good, and his labors in behalf of the community and the Territory have been beneficial and far-reaching.

William G. Haydon, an attorney at Las Vegas bar, was born in Columbia, Boone county, Missouri, March 31, 1861, a son of George and Betty M. (Tuttle) Haydon. He was educated in the Missouri State University and after being graduated from the law department in 1888 was admitted to the bar after successfully passing the required examination. He has resided continuously in Las Vegas since 1888 and after practicing for two years in the law office of Lee & Fort has since been alone, having a large clientage which connects him with much important litigation tried in the courts of his district. He has held the office of deputy collector and also deputy assessor for two years each, but since 1895 has given his undivided attention to his law practice. He was a trustee of the town of East Las Vegas for two terms and in 1898 was a candidate for council on the Democratic ticket but was defeated. He served for about eight or ten years on the school board and in April, 1904, was elected its president. His political allegiance is given to the Democracy.

Mr. Haydon was married, December 30, 1896, to Jessie E. Osborne, a native of Shullsburg, Wisconsin, and a graduate of the School of Oratory connected with the Northwestern University at Chicago, Illinois. They

have two sons: William G. and Osborne Haydon. Mr. Haydon is a member of Chapman Lodge, A. F. & A. M., and of the Sigma Alpha Epsilon, a college fraternity. He likewise belongs to the Presbyterian church and is a trustee of the Presbytery of Santa Fé.

James Lee Lawson, one of the younger members of the New Mexico bar, residing at Alamogordo, was born in Virginia in 1874. His academic education won him the degree of Bachelor of Arts upon his graduation from the Emory and Henry College, at Emory, Virginia, with the class of 1894. He then entered the University of Virginia for the study of law, completed a course there by graduation in 1896 and took up post-graduate law work in Columbia College, of New York city, where he spent the year 1897 as a student. In 1900 he came to New Mexico and was admitted to the bar of the Territory in January, 1901. Soon afterward he began practice here, and is justly regarded as a rising young lawyer, possessing laudable ambition, strong purpose and keen mentality, qualities which are ever essential in a successful legal career. Active in political circles as an advocate of Democracy, he is now chairman of the Democratic central committee of Otero county.

Merritt C. Mechem, an attorney practicing at the bar of Tucumcari, came to this place on the 23d of March, 1903, from Fort Smith, Arkansas. He pursued his literary education as a student in Ottawa Baptist University at Ottawa, Kansas, and afterward attended the State University at Lawrence, Kansas. He was admitted to the bar at Fort Smith, Arkansas, in 1895. The town has grown rapidly and his clientage has, in consequence, steadily increased. He has been territorial district attorney of Quay and Guadalupe counties since March 16, 1905. He was also one of the organizers of the Tucumcari Wool Scouring Company and has been a factor in the promotion of many interests and movements which have had direct and important bearing upon the welfare, growth and substantial development of the city and county.

George H. Hunker, attorney at law at Las Vegas and secretary and treasurer of the Aetna Building Association, has been a resident of the Territory since 1899. He was born in Roanoke, Missouri, in 1876, and was educated in the public schools and was graduated from Missouri State University in 1897 with the degree of Bachelor of Science. Coming to New Mexico when twenty-three years of age he read law under the direction of the firm of Long & Fort, and in 1900 became secretary of the Aetna Building Association, which position he yet fills. Continuing his law studies, he was graduated with the degree of Bachelor of Law from Missouri University and was admitted to the New Mexico bar at Las Vegas in January, 1902. He has since practiced in this city with a constantly growing clientage that is indicative of the capable manner in which he manages the litigated interests entrusted to his care. Moreover, he is an active factor in local political circles. He votes with the Democracy, is secretary of the county central committee and chairman of the Las Vegas Democratic committee.

Mr. Hunker was married in 1903, in Las Vegas, to Miss Emma Vasse, of Missouri. Socially he is connected with the Elks Lodge, No. 408. He is a young man of bright outlook who is developing his latent energies in active business life and has already attained a creditable position among the attorneys of the New Mexico bar.

C. C. Davidson, an attorney at Tucumcari, has resided here since April, 1904, at which time he entered actively upon the practice of law. He pursued his professional training in the Northern Illinois College of Law, and on the completion of the thorough course was graduated with the Bachelor of Law degree. He then practiced in Illinois for a few years before coming to New Mexico. He was licensed to practice at the New Mexico bar in 1905, and has since been an able representative of the legal profession in Tucumcari, where he now has a large and distinctively representative clientage.

Richard H. Hanna, of Santa Fé, where he located for practice in June, 1900, was born in Kankakee, Illinois, in 1878, and was educated in the Northwestern University, at Evanston, Illinois, and the University of Colorado, at Boulder, Colorado, where he pursued his law course. He is secretary to the New Mexico Bar Association, and is a capable lawyer with a large clientage. He was made a Mason in Boulder and is now senior warden of Montezuma Lodge, No. 1, A. F. & A. M. He is likewise connected with the Elks. His father, Isaac B. Hanna, who came to New Mexico from Kankakee, Illinois, in 1900, as superintendent of the United States Forest Reserve in New Mexico and Arizona, died in January, 1905, while holding that office.

Colonel Albert J. Fountain, deceased, was for many years one of the notable figures of the bar of New Mexico. He stood fearlessly for justice and wise and impartial interpretation of the laws, his thorough understanding of the principles of jurisprudence making him one of the ablest practitioners in the Territory, while his ability caused him to be connected with much important litigation that was dramatic in its character.

Born on Staten Island, New York, in 1838, Colonel Fountain was descended from French Huguenot ancestors, who came to America upon the revocation of the edict of Nantes. His education was acquired in New York city and after completing a course in Columbia College he further broadened his knowledge by visiting Europe, India and China. He was arrested in China, together with many other Americans, but through intervention of the United States consul was released. He had been educated for the Episcopal ministry, but gave up the idea of taking holy orders. In his youth he went to California, where he engaged in newspaper work, and in that period devoted his leisure hours to the study of law. During the progress of the Civil war he enlisted in the First California Volunteers at Sacramento on the 26th of August, 1862, and was made corporal of Company E. On the 5th of May, 1863, he was promoted to the rank of second lieutenant of Company G at Fort Craig, New Mexico, and was mustered out there with his company on the 31st of August, 1864.

In 1865 Colonel Fountain settled in El Paso, Texas, and the following year was elected surveyor of the Bexar district. He afterward served as probate judge and United States inspector of customs at El Paso, and was further honored with political office by election to the lower house of the Texas legislature. Following his service in that office he was chosen to the state senate, where he served from 1868 until 1874. In 1871, when partisan feeling ran very high, an attempt was made to take his life in El Paso because of political troubles, seven shots being fired at him from an old-fashioned "pepper box" pistol, one shot striking him on the fore-

head and one in the leg, but he was not seriously injured. While engaged in framing the laws of the state as a member of the legislature, he also engaged in the active practice of law, and was the author of the Texas ranger law. He was appointed by Governor Davis a colonel of the state rangers, and the frontiersmen of Texas presented to him a gem with gold mountings, inscribed "The frontiersmen of Texas, to their friend and defender," and he was likewise given a gold watch and chain similarly inscribed, a handsome cane and a six-shooter with pearl handle. To those at all familiar with the history of the southwest during its pioneer epoch it is unnecessary to state that it required men of the utmost personal bravery and of unquestioned fidelity to duty to announce and maintain a political attitude and position as Colonel Fountain did. Party feeling ran very high and there were lawless elements in the state who did not consider life sacred. About 1869 he was arrested at the behest of a political clique on the charge of misappropriating United States customs moneys, but on trial was acquitted and the approval of popular opinion came to him in his later election to the senate.

In 1875 Colonel Fountain removed to Mesilla, New Mexico, where he soon had a large law practice and took an active interest in political affairs and movements in the Territory as a Republican leader. He founded the *Independent* at Mesilla, beginning its publication June 23, 1877, with John S. Crouch and Thomas Casad as editors in collaboration with Colonel Fountain under the name of the Mesilla Valley Publishing Company. The paper vigorously opposed the organized band of cattle and horse thieves operating in Doña Ana county. In 1879 he was commissioned captain of the Mesilla scouts and took the field against Victorio, the Apache chief. In 1881 he was appointed major of cavalry, and in 1883 was ordered by Governor Sheldon to suppress lawlessness in southern New Mexico. He entered resolutely upon the task, which he accomplished in two months. A number of the "rustlers" were killed and many others sent to the penitentiary. For this work he was presented with a service of silver plate by the citizens of Doña Ana county. Having been commissioned colonel of the First New Mexico Cavalry, he took the field against Geronimo in 1885. The following year he was elected to the New Mexico legislature and made speaker of the house of representatives. Later he was appointed special council for the United States government by President Cleveland in his first administration, and afterward was appointed assistant United States district attorney by President Benjamin Harrison. In the later years of his life he was counsel for the New Mexico Stock Association. Thus he figured prominently in military, political and professional circles, leaving the impress of his individuality for good upon all the movements with which he was connected. He stood for reform, progress and improvement, maintaining his position fearlessly in the face of personal danger, and as the years go by and a more unbiased judgment is obtained the value of his services will be more largely recognized.

Colonel Fountain was married at Mesilla, New Mexico, October 27, 1862, by Father Ruferto Donato, to Mariana Perez de Ovante, whose father was a prominent man in Mexican affairs. Mrs. Fountain still survives. Their children are Albert Jennings, Mariana J., the wife of Charles Clausen; Edward J., who was killed at Pinos Altos, New Mexico, in 1891; Maggie, the wife of Howard F. Ginon; Thomas A. J., of Mexico; John

J., Fannie and Henry, twins, both deceased; Catarina, Henry J., who disappeared with his father in his ninth year; and two who died in infancy.

The mystery attending the disappearance of Colonel Fountain on Saturday, February 1, 1896, and the complications which followed form one of the most tragic incidents in the history of the Territory during recent years. Colonel Fountain had been employed by a number of cattlemen to prosecute cattle thieves, against whom he had waged a relentless warfare in the courts. He had been attending the March term of court in Lincoln county in the trial of cases of this character. Threats had repeatedly been made against his life and his son, Albert J., apprehending danger, warned him not to make the trip overland in either direction. He admitted that he feared the fate that befell him, but remarked that if the cattle thieves had determined to kill him they would succeed sooner or later and he did not intend to show the white feather. On the 31st of March, 1896, he and his young son started overland with a team and wagon, spent the first night at Tularosa, and on the next morning resumed their journey toward Las Cruces. Their route took them over a barren plain in which are the famous white sands. Soon after leaving Tularosa Colonel Fountain found that they were being shadowed by three men. He met the mail carrier, who begged him to go back and resume the journey the next day, but he continued on his way to Chalk Hill, where the road was cut down until the banks are high. Coming out of this cut, the buggy was evidently stopped and the horses backed. The buggy was driven rapidly along the road for a short distance and turned out to the left four or five miles beyond, where it was found. The tracks of three horses either preceded or followed Colonel Fountain's team from the place where he had been stopped by the men to the place where the team was taken away by the murderers. One by one the three tracks disappeared, although at one time a horse was afterward found with blood stains upon him. The tracks led in the direction of ranches owned by Oliver Lee, and in fact were followed to within a short distance of Lee's home ranch. When the posse came up they found a herd of Lee's cattle being driven over the trail and this partly obliterated the traces left by the men who did the villainous deed, and who are supposed to have kidnapped him. Three men were indicted—Oliver Lee, James F. Gilliland and William McNew. These men had been indicted for cattle stealing. McNew, however, was never tried. Lee and Gilliland fled and remained in hiding for a year, but finally voluntarily gave themselves up. Pat Garrett, then sheriff of the county, made one unsuccessful attempt to arrest both of them on top of an adobe house on one of Lee's ranches, but they resisted and killed the deputy sheriff named Kearny, and the sheriff and his posse abandoned the attempt, as Garrett wanted help for the deputy, who was fatally shot. Finally both men surrendered to Judge Parker personally and were committed to the Socorro jail. By a change of venue the trial was held in Sierra county before Judge Parker. The defense attempted to prove an alibi, showing that the men were at Dog Cañon ranch, belonging to Lee, on the day of the capture of Colonel Fountain and his son, this ranch being a distance of fifty miles from where the murder occurred. The men were acquitted because of the lack of convincing evidence, and the bodies of Colonel Fountain and his son were never found. There have been







*C. M. Foraker*

many newspaper accounts during the past ten years of a man answering the description of Colonel Fountain and a boy with him who were being held as prisoners in the mountains of Old Mexico, but no sane man places any faith in these stories. While there is no absolute evidence that they were killed, the belief is practically unanimous that they met their death at the hands of certain cattle thieves, and thus perished one of the distinguished citizens of New Mexico, whose life displayed many noble traits of character and whose memory is yet enshrined in the hearts of those who stand for law and order.

A. J. Fountain of Mesilla, son of Colonel Fountain, was born at Las Lunas, New Mexico, December 6, 1863, and was educated in the public schools of El Paso and of Mesilla, attending in the latter city for a short time. He worked with his father in the printing office of the *Independent* published at Mesilla, and in 1880 and 1881 engaged in prospecting. In 1882 he made his first campaign in his father's company against the outlaws who rendered life and property unsafe in southern New Mexico. They chased them into Old Mexico, where the party were kept for eight days by the Mexican authorities. A. J. Fountain also served in the territorial militia until 1885. He was made captain of Company B and by re-appointment thus served until the Spanish-American war, when he resigned the captaincy in order to meet his duty toward his family. In 1896 he was elected probate judge and has been twice re-elected, serving for three terms in that office. In 1902 and again in 1904 he was chosen by popular suffrage to the office of county school superintendent. In politics he is a stalwart Republican, inflexible in his support of the principles of the party. His religious faith is that of the Catholic church. He gives his attention to farming and stock raising and his business is carefully, systematically, ably and successfully conducted.

A. J. Fountain was married May 12, 1883, to Teresa Garcia, a daughter of Antonio and Soledad (Bermudez) Garcia. Their living children are Albert J., Edward J., Erminda J., Eliza J., Henry J. and Cleotilda J. Fountain.

Creighton M. Foraker, United States marshal for the district of New Mexico, will enjoy the distinction, upon the expiration of his term, of having filled that important post longer than any other man. Mr. Foraker is possibly personally known to more people in the territory than any other citizen. He was born and reared in Highland county, Ohio, a son of Henry S. Foraker and a brother of J. B. Foraker, former governor of Ohio and for many years United States senator from that state.

Coming to New Mexico in 1882 with no more money than enough to enable him to reach his destination, he went to work in the mines in the Burro mountains and vicinity in Grant county. Two years later, with about one thousand dollars he had saved, he engaged in the cattle industry on a small scale, maintaining this business until 1903. His ranches and cattle were located in Grant county. Two years later he resumed the cattle business on ranches he had purchased near Engle in Sierra county. He is one of the successful cattlemen of the territory and his financial standing is owing entirely to his industry and energy, and is most creditable, his name being an honored one on commercial paper.

Mr. Foraker has always been a staunch Republican and it is due to him to state that he enjoys great personal popularity throughout the Ter-

ritory with people of opposing political faith as well as among those who hold views similar to his own. On the 23d of July, 1897, President McKinley commissioned him United States marshal for New Mexico and re-appointed him on the 24th of July, 1901. On the 17th of December, 1901, President Roosevelt commissioned him to the same office, and December 19, 1905, again appointed him. His record in this office has been an exceptionally fine one and through his efforts and those of the men directly under his charge lawlessness in the territory, so far as it comes under the official jurisdiction of the Federal authorities, has been reduced to the minimum.

Mr. Foraker was made a member of the Benevolent & Protective Order of Elks at Santa Fe and is now a member of the lodge at Albuquerque.

A. M. Bergère, who is at present, and has been clerk of the district court of the first judicial district, with headquarters at Santa Fé, since 1898, is a native of England, of Italian parentage. He came to the United States in 1872, and since 1878 has been a resident of New Mexico. For several years he was engaged in stock-raising in Valencia county, where he has always exhibited a keen interest in public affairs. He served as chairman of the board of county commissioners of that county, was assessor of Valencia county for two years and county treasurer six years. He has also been active in the work of the Republican central committee. He is a member of the Elks, K. of P. and Woodmen. Mr. Bergère has become widely known throughout New Mexico, and has won and retained the unqualified respect of his associates.

Charles P. Downs, clerk of the sixth judicial district of New Mexico, living in Alamogordo, is among the most highly regarded of the younger members of the southern part of the Territory. He is a native of Indiana and came to New Mexico in 1900 with the *Las Vegas Record*. After spending two years in Las Vegas he became connected with the *Silver City Enterprise*, devoting one year to that paper, after which he secured a situation on the *Las Cruces Progress*. On the 1st of July, 1904, he came to Alamogordo to accept the position of deputy clerk of the sixth judicial district, acting in that capacity until he succeeded Captain D. J. Leahy in the position of clerk, which is his present incumbency.

## NEW MEXICO'S INDIAN TRIBES

At the time of the first appearance of Europeans in New Mexico, this Territory was but thinly inhabited. Including the Moquis of Arizona and the Navajos, the total number dwelling in or roaming over the region now included in New Mexico and the northern part of Arizona did not reach 70,000. Of these about 25,000 were sedentary Indians or "pueblos." The remainder were Navajos and thin outlying bands, called Apaches, the Mansos (in the lower Rio Grande valley), the Jumados, the Utes or Yutes, the Hava-Supay or Havasupai, and other tribes of central Arizona, then included in the kingdom. The pueblos therefore constituted a minority in comparison with the wild tribes. Furthermore, they lived in groups isolated from each other; whereas, the roaming Indians pervaded the country in every direction, harassing the pueblos, trading with them occasionally, but mostly preying upon them. Had the Navajos alone possessed any coherence in their social or military organization, they might have exterminated the pueblos in the course of a very few years.

Of the distribution and location of the sedentary Indians at the time of the conquest, Woodbury Lowery in "The Spanish Settlements" writes: "The remaining pueblo Indians (beside the Moqui) formed three linguistic groups, the Zunian, the Keresan and the Tanoan, which with the Moquis in the first half of the 16th century until the uprising against the Spaniards in 1680, were irregularly dispersed in villages at intervals of from 20 to 70 miles apart, over a territory extending from Taos in northern New Mexico as far south along Rio Grande as present location of San Marcial, a length of nearly 230 miles, and from east to west from about longitude  $105^{\circ} 30'$  to nearly  $110^{\circ} 30'$ . In the open desert between the villages roamed the Apaches.

The northern cluster of the Tanoan occupied a series of villages along the Rio Grande and its tributaries. The northernmost of these was Taos, the Braba of Castañeda, and southwest of it was the Pueblo of Picuries; both settlements spoke the Tigüe idiom and were situated east of the Rio Grande in side valleys whose water courses are tributaries of that stream. Below them, along the river itself, were the villages of the Northern Tehuas, and below them came the villages of the southern group of Tehuas, the Tanos. The Jemes constituted the most westerly group of the Tancan: They inhabited a number of pueblos along the upper course of the river of the same name and the mesas about its headwaters lying nearly 30 miles west of Rio Grande and southeast of the present site of Santa Fé. Forty miles east of the river was the pueblo of the Pecos. The most easterly villages of the Keresan or Queres family were scattered on the banks of the Rio Grande parallel with the Tanos and along the lower source of the Jemes, below the tribe of the same name. To them belonged the rocky

fastness of Acoma which so impressed the early explorers, scaled only by steps cut in the side of its precipitous cliff, and where the inhabitants gathered the rain in tanks. It was the most westerly of their villages. Along the Salines and in the most fertile part of the valley of the Rio Grande below the Tueres were the southern Tiguas, the "Tiguex" of Castañeda. "Seventy miles west of Acoma, clustered around the base of a mesa, now called Thunder Mount, were the celebrated '7 cities of Tibola' or Zuñi, who represented the linguistic family of the same name. Castañeda has enumerated 71 villages inhabited at the time of the conquest with a population ranging from 200 souls, in the smaller towns, to 800 or 1,000 in the largest; and Onate, who was in the same region at the close of the century, increased the number to 100."

"While these are all the town Indians of whom contemporary records remain," says Mr. Lowery, "it is improbable that they were the only ones" since ruins have been discovered in San Juan Valley and elsewhere which were probably inhabited at the time of the Spanish occupation.

Each pueblo being autonomous, and having approximately the same loose mode of government as today, a certain unsteadiness of abode prevailed, which caused them to abandon their villages sometimes on slight provocation, and to settle elsewhere. This changed only after the promulgation of the so-called pueblo grants (1689). These grants are, in fact, limitations, compelling the pueblos to confine themselves to a certain specified area and placing a restraint upon their innate tendency to shiftlessness. As a general rule, no Indian tribe has ever become so sedentary as not to move its abode from time to time, none so nomadic as not to settle at times. Absolute permanence of abode lies not in Indian nature.

The first general division of the aboriginal ruins scattered over New Mexico is into two classes: Ruins of villages that were abandoned under Spanish rule, therefore occupied within the specifically historical period; and the ruins of settlement, the occupation and the desertion of which took place previous to the sixteenth century.

The former all show clearly the so-called pueblo type of architecture, that is: the many storied large dwellings; sometimes one or two large houses forming the entire village. The round estufa frequently accompanied this class of ruins, but in some instances it is not visible, probably because (as in some pueblos of today, like Jemez, Acoma, San Juan and Zuñi) the estufa was not subterranean, but built in with the rooms of the dwellings. The material of construction is very much varied, according to the natural resources afforded by the sites. Thus Puaray, on the Rio Grande, was built mostly of adobe; Pecos, of stones and adobe; Abo, of red sandstone rubble; Tabira, of grey limestone; and so forth. There is no uniformity, the Indian plying himself to the resources and obstacles of the site and vicinity.

The villages, the fate of which is established by Spanish documentary information, are quite numerous. Most of them (like Guypuy, on the Galisteo creek, near Wallace, Tabira, Abo, Chilili, Tajique, the villages of Zuñi plain—in part—and Ahautuyba, in the Moqui country) had been built previous to the coming of the Spaniards. Several others, like the one on the summit of the mesa of the San Felipe and one on the Potrero Viejo, near Cochiti, and several of the Zuñi towns (principally those on top of Thunder Mountain) were built and abandoned during the past two cen-

turies. The pueblos of today are all comparatively modern. Not one of them dates (so far as their buildings are concerned) from the sixteenth century. Even Acoma is not the Acuco which Coronado saw. It was destroyed in 1599 and rebuilt soon after.

The villages and ruins antedating in abandonment the time of Spanish discovery are the most numerous. But their number is by no means an evidence of a former large population, and, as a complement to the latter, an indication of more favorable climatological conditions in times long past. In many instances as high as twenty or more pueblos were successively (not contemporaneously) inhabited by one and the same tribe. Their number is, therefore, but a proof of nomadic proclivities of the so-called sedentary Indian.

From their character, the pre-Spanish ruins can be divided into two classes—the small isolated house villages, and the many storied communal pueblos. The former is manifestly the older, in time of abandonment at least. The "small house ruins" are irregularly scattered throughout the territory where cultivation of the soil became possible. East of the Pecos river and east of the foothills of the high range extending from Taos to Santa Fé no ruins are found, except, perhaps, along the Canadian river. The great plains afforded no great inducement for the land-tilling aborigine, and they were too much exposed to inroads from nomadic Indians.

The estufa, that peculiar construction originally destined for the exclusive abode for the males, accompanies the small-house village in many places. Some of the best preserved specimens of the type are found at Cebolleta and near Zuñi. Sometimes as many as twenty or thirty isolated dwellings, composed of from two to ten apartments, constitute one village; again the clusters are smaller. These houses are only one-story high. Still in places a marked transition from that type to the large-house pueblo is visible in an agglomeration of numerous rooms and the superposition of an upper tier.

The small house is the type to which the so-called "cliff dwellings" belong. The only difference between the two consists in that the latter is invariably placed on rocky shelves and promontories, and in places difficult of access. Cliff-houses are not very numerous in New Mexico because the rocky formations that make possible this peculiarity of human abodes are localized. They appear more numerous in northern sections in the San Juan region; also in the western portions around Zuñi and north of it; and near Acoma. The northwest contains also that peculiar defensive structure, the round tower. But it is an error to admit that the circular tower is limited to a certain class of architecture or to certain regions or certain periods. Two round towers are seen at Pecos, and they are also found in the Sierra Madre and at Casas Grandes in Chihuahua.

There is a transition from the cliff-house to the many-storied communal house. This is the cave pueblo, a village of connected buildings, sometimes more than one story high, built inside of a natural recess or cave. Caves containing ancient habitations are of frequent occurrence, wherever natural features favor the establishment of human abodes under shelter of rocks or in real caverns. These villages with partition walls and roof should not be confounded with cave-dwellings proper, where a man has scooped out grottos by hand for his residence.

The latter belong plainly to the many-storied communal pueblo type

of architecture. They are found in New Mexico in one particular section, where very friable pumice stone and tufa constitute the rock. This is the region west of Santa Fé, on the west bank of the Rio Grande, and extending from Santa Clara in the north to Cochiti in the south. Every gorge almost of that wild and inaccessible mountain region is more or less lined with caves burrowed out in the friable rock, sometimes two and three tiers superposed with estufas. Some of the latter are hollowed out of the rock also, while others have been dug out in front of the caves.

Lastly, there is the large communal house type, of which the present pueblos are an illustration, although considerable change has taken place in many details since the sixteenth century. It may be said that since the advent of the Europeans the village, consisting of one single house, has fallen into disuse, Taos, and in a certain sense Zúñi, being the ones approximating the class. Of these enormous structures, in comparison with which the largest buildings of Yucatan and southern Mexico vanish out of sight, preserved specimens are found at Pecos, and especially in the Chaca cañon north of the Santa Fé railroad. There is also a one-house pueblo ruin twelve miles west of Cochiti. It is in fair condition, quadrangular, with a court in the middle, and three stories are still visible.

To assign definite geographic areas to each class of ruins or structures is not possible in every case. The cliff-house and the cave village are bound to geological features, and wherever these are lacking the type need not be looked for. The scattered small house is met with almost everywhere; whereas the many-storied pueblo extends only as far south as the thirty-third parallel of latitude. South of this line there are many-storied ruins also, in Arizona, Chihuahua and eastern Sonora, but they all show important modifications.

In regard to the respective age of the prehistoric ruins, only so much appears to be certain, that the small-house type is the oldest, perhaps the primitive form. In the sixteenth century the pueblos all dwell in many-storied structures. Few distinct traditions attach themselves to the small-house villages, and even these point to the fact that the pueblo Indians occupied them before they began to rear large communal buildings. The latter are a combination of dwellings and fortress, a type which sprung up in consequence of greater insecurity of life. As to the cave villages, they are not so ancient as commonly supposed. Those west of Santa Clara were excavated and inhabited by the Tehuas (or, rather, by their ancestors) now occupying the pueblos of Santa Clara and San Juan; and those of the Rito de los Frijoles, north of Cochiti, are the work of the ancestors of the present Queres. But their construction, as well as their abandonment, antedates certainly the first coming of all Spaniards by several centuries. These are to be classed among the prehistoric ruins.

Ancient architecture in the territory of New Mexico displays, therefore, variations, but they are only in degree, not in kind. Nothing warrants the assumption that the people who reared the cliff-dwellings, for instance, differed in culture from those who constructed the caves or the large pueblo houses. Local differences are numerous, of course; but the general character of the remains associated with the ruins is the same. The same symbols decorate the pottery found, not only in New Mexico, but as far south as the twenty-ninth parallel in Sonora and Chihuahua. Badges used today by the pueblo Indians in their religious ceremonies



have been exhumed on the upper Salt river in Arizona. Fetiches like those which the pueblos carry about their bodies were taken from the ruins of Casas Grandes and vicinity. The ancient pottery of New Mexico is usually handsome and better than that manufactured by the pueblos today, but this has not been the result of a general decay in art. Since the Spanish occupation the industry of the Indians has turned into other channels, and they have consequently abandoned or neglected certain lines that were to them less remunerative.

With the exception of one single find in Arizona, metallic objects antedating the Spanish period have not been found among the ruins of New Mexico and adjacent regions. What is stated of mines worked prior to the sixteenth century is devoid of all foundation. Considerable turquoise has been gathered at and around Cerrillos by the Indians from time immemorial, but not through regular mining.

"The villages of Taos, Picuries, Sandia and Isleta," says Rev. A. Jouvenceau, one of the esteemed authorities on New Mexican history, "are inhabited by the Tehua nation. The dialects of the Picuries and Taos Indians differ somewhat from those of Sandia and Isleta; however they can understand each other without much difficulty, as the words are all derived from one common stock. Nambe, Pojuaque, Tezuque, San Ildefonso, Santa Clara, and San Juan belong to the Tegua tribe. Their idiom is, to my knowledge, the most difficult of all the pueblo languages; it contains an exceptionally large number of harsh guttural sounds and many monosyllabic words. Cochiti, San Domingo, San Felipe, Zia, Santa Anna, Laguna and Acoma are the villages of the Queres nation, or, I would rather say, the last two named villages are inhabited by the Queres proper, while the five others belong to the Tanos, who are but a branch of the Queres. A slight divergence of pronunciation may be noticed between the Acomas and the Lagunas, but the dialects spoken by all of these villages are much the same. The inhabitants of Jemez constitute a tribe by themselves, with a language of their own, which has no analogy whatsoever with any of the other pueblo idioms. Piros is the name given to the Indians inhabiting the pueblo of Piros, as also to the remnants of the Pecos, who have all but become extinct, or, as some historians assert, have been annihilated by the incursions of the wild Indians of the plains. The huge ruins of the Pecos village are situated six miles from the station of Glorieta, on the Atchison, Topeka & Santa Fé Railroad. The Zuñis, living in the pueblo of Zuñi, about 45 miles south of Gallup, New Mexico, constitute a separate stock, with a language, customs and habits peculiarly their own.

"The Moquis, or Hopis of Arizona, must also be classed with the pueblo Indians, as they, too, live in communal villages and follow a similar mode of life, although their language and their superstitious practices are different from those of the other pueblos. The seven Hopi villages are perched on three mesas, or high table-lands, or rather table-rocks. One of the villages on the first mesa is inhabited by a branch of the Tegua tribe, who left their village on the Río Grande, and took refuge with the Hopis after the rebellion in 1680. The rest of the Hopis, or Moquis, belong to the Shoshonean nation.

"The various idioms of the pueblo tribes are so radically different, one from the other, that conversational intercourse between them is im-

possible. There is as much radical difference between the various languages of the pueblo tribes of New Mexico as there is between the Gaelic, Hungarian, Russian, Turkish, and German of Europe. However, as they all speak Spanish and understand it more or less fluently, that language is used in the conventional intercourse and in the transaction of business between the different villages.

"The pueblo of Taos is located in the northern part of New Mexico, 80 miles north of Santa Fé, and about 35 miles from the Colorado border. It lies at the foot of the Taos range, a spur of the Rockies, on a beautiful little river called Rio del Pueblo. Its altitude is more than 6,500 feet above the level of the sea. The town of Fernandez de Taos, which is the county seat of Taos County, is only three miles distant from the Indian village. The population of Taos is about 360; the pueblo consists of two immense communal houses, or buildings, erected in two long parallel rows, of five stories each. The form of the buildings is that of a terrace, i. e., each higher story is set well back upon the lower, so that the whole building presents the aspect of 'a flight of giant stairs,' as Chas. F. Lummis puts it.

"In the pueblo there are several estufas, built underground in circular form. Near the village, I would say, on one side of it, stand the ruins of the primitive Catholic church, destroyed by the shells of the American troops, when they, in 1847, besieged the pueblo of Taos, under the command of Governor Bent, and punished the Indians for their rebellion. These ruins show the church to have been a building of very large and substantial proportions.

"The Taos Indians belong to the Tehua tribe, and are a tall, robust, and healthy race of people. They adhere strictly to their old customs, so much so, that school boys, returning home from their vacation, are allowed to wear their American dress only for two weeks, after which time they must don again the traditional blanket, and the rest of their national costume. To these Indians is intrusted the charge of the sacred fire, which is kept burning in one of their estufas, for the purpose, as they say, of helping the Sun during the cold months of winter. The Taos Indians are noted for their agility and lightfootedness; they are the fleetest runners among the pueblos, which may be owing to the fact that they are great Nimrods. The range of mountains, near their village, is rich in game of every kind.

"The annual celebration of their patronal feast, San Geronimo, on the 30th of September, always attracts a large crowd of visitors, Indians as well as Mexicans, who are anxious to witness their dances, foot-races, and other games. Their farming lands are the best in the Taos valley, and they get an abundant supply of water for irrigating purposes from the beautiful stream which runs through the pueblo. The people of Taos are industrious and self-supporting, but not very temperate; the proximity to Fernandez affords them many opportunities of indulging sometimes too freely in the use of intoxicating liquors.

"Taos is probably the 'Braba or Yurba' mentioned by Coronado's Chroniclers. On account of their remoteness from the center of the colonial government, the Taos Indians, during the time they were under Spanish rule, always manifested a spirit of independence. At the approach of Don Diego de Vargas, October 6th, 1692, the Indians fled away into the

mountains, and the conqueror occupied their village without resistance. On October 8th, the Indians returned to the village and submitted to the Spaniards. In 1694 they revolted again, and in July of the same year, de Vargas had to march his troops once more against them. The pueblo, which had been previously abandoned by the Indians, was ransacked by the soldiers, who pursued the enemy right into the heart of their mountain fastnesses. A large number of them perished in the ensuing fight, but the bulk of the Indians escaped, and it was only after the lapse of several years that perfect peace was restored among them. In 1631 the Taos Indians murdered their missionary, Fray Pedro de Miranda.

"In 1837 the Taos Indians (as related elsewhere) joined with the people of Chimoyo in their uprising against the government of New Mexico, which, together with the murder of Governor Bent in 1847, bears testimony to the warlike spirit of the Taos Indians. At present, however, they are good, peaceful, and law-abiding people.

"Twenty-five miles south of Taos, crossing a range of mountains, which has not as yet received a geographical name, is situated the small Indian village of Picuries. The pueblo occupies the center of a small valley, the land of which is very fertile and well irrigated by a stream, that empties four miles below, into Penasco creek.

"The Picuries Indians, like the Taos, belong to the Tehua stock or nation. They cultivate the ground, and raise enough grain for a scanty support. Their village, which is small, numbering about a dozen buildings, is of the same architecture as the other pueblos. While the Picuries, in and prior to the days of the conquest, possessed a large and populous village, they are at present reduced to a very small number. They seem to be rather slow and dull of comprehension, and without any ambition of raising themselves above the level of their present shiftless condition.

"The altitude of Picuries is nearly 8,000 feet above the level of the sea, and their valley is hemmed in by chains of mountains. In customs and habits they are like the rest of the pueblos; in religion they profess the Catholic faith. Their church, built in the same style as the other Indian churches, is dedicated to St. Lawrence, the Martyr, and the 10th of August, the feast of San Lorenzo, is a gala day for the Indians and the Mexicans of the surrounding towns, who come to witness the solemn pueblo celebration.

"When the pueblos rose up in 1680 to shake off the yoke of the Spaniards, the Picuries joined forces with the Taos; they attacked from the north, and contributed not a little towards the defeat of the Spaniards under Otermin. At present only a few individuals occupy the village, which, three centuries ago, was a powerful pueblo, inhabited by more than 1,000 persons."

At this time (1906) there are in New Mexico nineteen pueblos, inhabited by six different tribes, speaking six radically different languages.

The Indian pueblos of the Territory, their population in 1905 and their annual fete days are as follows:

Population.	Fete Day.
Taos, 525.....	Sept. 30
Picuries, 205.....	Aug. 10
San Juan, 500.....	June 24

Santa Clara, 300.....	Aug. 12
San Ildefonso, 300.....	Jan. 23
Pojoaque, 50.....	Dec. 12
Nambe, 174.....	Oct. 4
Tesuque, 150.....	Nov. 12
Cochiti, 500.....	June 14
Santo Domingo, 1,000.....	Aug. 4
San Filipe, 600.....	May 1
Santa Ana, 122.....	August
San Dia, 1,000.....	July 13
Zia, 100.....	Aug. 15
Jemez, 500.....	Nov. 12
Isleta, 1,000.....	Aug. 28
Laguna, 500.....	Sept. 19
Acoma, 400.....	Sept. 1
Zuñi, 1,015.....	November

Following are the names of the six tribes or nations inhabiting these nineteen pueblos or villages: The Tehuas, the Teguas, the Queres or Tanos, the Piros, the Jemez, and the Zuñis.

Most of the so-called pueblo Indians of New Mexico are the same in manners, customs and beliefs as they were centuries before the coming of the *conquistadores*. The pueblo of Laguna, in what is now Valencia county (meaning "Village of the Lake," though the lake has long since become dry), is the youngest of the Queres villages. The Spanish records place the date of settlement in 1699. De Thoma says that the Queres of Cieneguilla, Santo Domingo and Cochiti constructed in the same year (1699) "a new pueblo close to an arroyo, four leagues north of Acoma," and on the fourth day of July of that year swore allegiance and received the name of "San Jose de la Laguna." The date 1699 is undoubtedly too late. Reasonably authentic historical sources and all Indian traditions place the date much earlier.

The first reference to this locality is made by Hernando de Alvarado. In his report to Coronado, his commanding general, he says:

"We set out from Granada (Ojo Caliente, a Zuñi village) on Sunday \* \* \* the 29th of August, in the year 1540, on the way to Co Co (Acoma). After we had gone two leagues we came to an ancient building, like a fortress, and a league beyond we found another, and yet another; a little further on and beyond these we found an ancient city, very large, entirely destroyed, although a large part of the walls were standing, which were six times as tall as a man, the walls well made, of good stone, with gates and gutters like a city in Castile. Half a league or more beyond this we found another ruined city, the walls of which must have been very fine, built of very large granite blocks as high as a man. Here two roads separate, one to Chia (Zia) and the other to Co Co. We took the latter and reached that place, which is one of the strongest places that we have ever seen, because the city is on a very high rock, with such a rough ascent that we repented having gone up to the place. The houses have three or four stories. The people are the same sort as those of the province of Cibola; they have plenty of food, of corn and beans and fowls, like those of New Spain. From here we went to a very good



**Catholic Church at Socorro**



**Indian Church, Pueblo of San Felipe**



lake or marsh (Laguna), where there are trees like those of Castile. From here we went to a river, which we named Nuestra Sonora. \* \* \* In the month of September we sent the cross by a guide to the village in advance, and the next day the people came out from twelve villages, the chief men and people in order, those of one village behind those of another, and they approached the tent to the sound of a pipe, and with an old man for spokesman. \* \* \*

"The houses are of earth, two stories high. The people have a good appearance, more like laborers than a warlike race. They have a large food supply of corn, beans, melons, and fowls in great plenty. They clothe themselves with cotton and skins of cows and dresses of the feathers of the fowls. Those who have the authority are the old men. We regarded them as witches, because they say that they go up into the sky and other things of the same sort. In the province there are seven other villages, depopulated and destroyed by those Indians who paint their eyes. \* \* \* As your grace may see in this memorandum, there are eighty villages there, of the same sort as I have described, and among them one which is located on some stream. It is divided into twenty divisions, which is something remarkable. The houses have three stories of mud walls, and three others of small wooden boards, and on the outside of the three stories of the mud walls they have three balconies. It seems to us that there were nearly 15,000 persons in this village. \* \* \* They worship the sun and water. In some mounds of earth outside of the places where they are buried and in the places where crosses were raised we saw them worship there. They made offerings to these of their powder and feathers, and some left the blankets they had on."

The lake referred to by Alvarado lay a short distance west of the pueblo and was formed by a flow of lava damming up a small stream. "When the Indians came to build the town," writes John M. Gunn of Laguna, in "Records of the Past" for October, 1904, "the beavers were frightened away, but the villagers continued to repair the dam from time to time until the year 1850, when, on account of religious disputes, the people refused to obey the officers or work together in unity. The dam washed away and the lake was drained. The Spaniards named the stream which supplied the lake the Rio del Gallo. \* \* \*"

The great rock of Acoma, on which is built the pueblo of that name, lies about fifteen miles southwest of Laguna. The early Spanish explorers wrote the name variously Co Co, Acuco, Tutuhaco and Hacus. The name of Acuco, the most frequently used, was adopted from the Zúñi pronunciation. The native name for the village is Ah-ko, or Stche-ahko, contracted from the word Stche-ah-ko-ki, or Stchuk-ko-ki, which means a rude form of ladder, formed by driving sticks into the crevices of a rock.

The Acoma Indians have a tradition that their ancestors once inhabited a valley about twelve miles north of the present pueblo, between Mount Taylor and the site of Cubero, and that they moved to their present location for better protection against the Apaches and Navajos. Their tradition also runs that they once inhabited the region to the west and south.

As has been stated, the authentic history of Acoma and Laguna begins with Coronado's expedition. This great explorer sent Alvarado with a company of twenty men, to explore the country east of Coronado's camp in the Zúñi country. Alvarado started out August 29, 1540, having as a

guide the war captain of Pecos, who had visited the white strangers at Zufii. Alvarado was instructed to make the trip within eighty days, but soon after his arrival at the Rio Grande he sent back the report from which extracts have here been made and continued his discoveries.

The apparent submission of the pueblos, the sudden revolt of the Acoma tribe in 1599, and the subsequent destruction of their village and removal of the inhabitants, form subject matter for a part of the general narrative. Quiet lasted for many years after Onate's conquest. In 1650 the pueblo Indians were on the verge of a rebellion. A priest named Juan Ramirez lived in Acoma from 1650 to 1660, probably the last to administer to the spiritual wants of these people until after the de Vargas expedition. During the period of this rebellion the inhabitants of the pueblo of Cieneguilla, a Queres village near Santa Fé, abandoned their town and moved in a body to Laguna. Others soon followed in small bands from the Queres villages of Zia, Santo Domingo and Cochiti. Tradition states that the first settlement at Laguna was made about half a mile southwest of the present village. The town was settled by Indians from Acoma and named Kosh-tea, and organized with an independent government. This led to a serious misunderstanding with the people of Acoma, and several battles ensued. The people from the north chose Laguna as the site of their location, regarding Kosh-tea as too exposed a location. The site of Laguna, a sandstone ridge covered with brush, was known as Kush-tit, or Kow-ike, the former meaning dry sticks fit for firewood, and the latter being a contraction of the word Kowisho or Kowine-sho, meaning a pond or lake. Kosh-tea was finally abandoned and the inhabitants took up their abode in the new town of Laguna, or Kowike, as they call it.

Upon the outbreak of the Popé rebellion there were in Acoma three Spanish priests—Cristobal Figueroa, Albino Maldonado and Juan Mora. In common with the other Spaniards in the province all were put to death. One account, doubtless based on Indian tradition, states that they were taken to a high point on the edge of the Acoma mesa and compelled to jump to the bottom, a distance of 300 feet. Two are said to have met instant death. The clothing of the third is said to have acted as a parachute, breaking the force of his fall; and the Indians, believing his escape from death to have been due to divine intervention, gave him his liberty. A second account states that the three priests were tied together, driven through the streets and beaten and stoned until Figueroa, in his desperation, infuriated the Indians by the assertion that within three years the Spaniards would return, destroy the pueblo and exterminate its inhabitants; whereupon the Indians fell upon the three captives and killed them.

During the period between 1680 and 1691 the various pueblos did not live in the harmony that characterized their previous history, and de Vargas found the reconquest of the pueblos of the Rio Grande comparatively easy. After the valley pueblos were brought under subjection de Vargas started for the western pueblos. The Lagunas, learning of the approach of the expedition, placed all the women and children of the tribe on a high bluff or bench of the Mesa, about three miles north of the town, leaving the old men to guard them. This place is known as Schumits Sinotes, meaning "white bluff," and the old fortifications are still to be seen there. The Lagunas repulsed the first attack of the Spaniards, but seeing



that resistance would be useless, finally surrendered. Soon after de Vargas secured the services of the cacique, Antonio Coyote, and his war captain, Poncho, as guides for the expedition to Acoma and Zuñi. Arriving at Acoma November 3d, the inhabitants surrendered without a show of resistance. Proceeding to Zuñi, de Vargas found that the Indians had fled to the top of Thunder Mountain, from which it was impossible to drive them. The Spaniards surrounded the mountain, a butte about one thousand feet high, determined to starve the Indians into submission. The latter at first ridiculed the attempt, but as time passed and water and provisions grew scarce, a council decided that the priest whose life had been saved should enter into negotiations with the besiegers. He wrote a message to the Spanish commander upon a piece of tanned buckskin, which was thrown to the ground below. Great was the surprise of the besieging party to find the message in their native tongue. Negotiations for surrender were at once opened, and the siege ended. When de Vargas returned to the Rio Grande the former captive priest accompanied him; and several of the Zuñis, who had become greatly attached to the priest, followed as far as Laguna, where they are said to have remained. This story, related by John M. Gunn of Laguna, one of the highest living authorities on Laguna and Acoma history and tradition, is traditionary, but there is historic evidence that a priest survived the massacre of August 10, 1680. A Picuries Indian informed the El Paso authorities that he had seen a priest alive in the pueblo of Xongopabi, one of the Moqui villages, in 1682. The fact that de Vargas does not mention the name of this priest nor the incident of the fight at Zuñi need not be taken as conclusive evidence, as of all the early explorers and conquerors he was the most brief in his reports. Upon his return from the Moqui country de Vargas left a memorandum of his expedition on what is known as El Morro, or Inscription Rock, about twenty-four miles east of Zuñi. This rock was found in 1849 by Lieutenant Colonel Washington, a commander of American troops. Translated this inscription reads:

"Here was General Don Diego de Vargas, who conquered for the Holy Faith and the Royal Crown at his own expense, all of New Mexico in the year 1692."

The rock also contains another inscription, dated 1626.

The Zuñi Indians who located at Laguna there founded a society or order known as Chaquin, which in some respects resembles Masonry. The Zuñis stated that it had been taught to them by the priest who had remained among them, but as the head medicine men of the tribe would not allow them to practice it they had decided to establish a new pueblo for that purpose. The Chaquin is popularly known among them as the Order of the Black Mask.

Antonio Coyote, the cacique who accompanied de Vargas on his expedition to Acoma and Zuñi, also traveled with him to the Rio Grande. There de Vargas presented to him a cane as his badge of office of governor of the new Laguna pueblo, with the request that he return and build a church, to which the Spanish commander would send a priest. This demand was complied with and the church, known as the House of the Principales, still stands, south of the Roman Catholic church. The first priest sent to this mission was Fray Juan Mirando, and the Lagunas state that he brought with him the image of San Jose. Dipping the feet of the image in the

water of the stream nearby, he rechristened it Rio de San Jose, by which name it is known to-day.\*

When many of the Pueblos again revolted in 1696, de Vargas succeeded in reconquering all excepting those at Acoma, who, however, renewed their oath of allegiance July 6, 1699, two days after the taking of the oath by the Lagunas. This occurred during the administration of Pedro Rodriguez Cubero as governor, de Vargas' term having expired in 1696. De Vargas was reappointed governor in 1702. He died at Bernalillo April 7, 1704, and his body was taken to Santa Fé and buried in the wall of the old church there.

Going back to the year 1689, the records show that at that time Domingo Giron Petriz de Cruzat, then military governor, was engaged in a war of extermination against the pueblos. At the pueblo of Zia he killed six hundred and captured seventy-three Indians, who were sent to Mexico and placed in bondage. Among the latter was an Indian named Antonio de Obejada, who was one of the principal chiefs in the Pope rebellion. He was able to read and write the Spanish language; and at El Paso his testimony in regard to pueblo land titles was regarded as practically authoritative. On his testimony grant titles were issued to the pueblos of Picuries, San Juan, Cochiti, Santo Domingo, San Felipe, Jemez, Zia, Laguna and Acoma, in 1689. Though the records show that these grants were issued at the same time, the originals referring to Acoma and Laguna have been missing since the year of the American occupation. Nevertheless the recorded evidence, minus the original papers, was ac-

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\*One of the most interesting cases decided by the Supreme Court in 1857 was that of the Pueblo of Laguna versus the Pueblo of Acoma, an action brought to determine the ownership of an oil painting of San Jose, the patron saint of the Acomas, left with them by the Spanish conquerors. The case originated in the district court of the Second Judicial District, in Valencia county, and was there tried before Judge Kirby Benedict. The pueblo of Acoma claimed that upon the establishment of that pueblo, San Jose (Saint Joseph) was constituted patron saint; that for many years the portrait in question had hung in the Catholic church there and was considered by the inhabitants to be almost indispensable in their worship of God; that the pueblo of Laguna, under the pretense of a loan, years before had secured possession of the painting, for the purpose of celebrating Holy Week, and refused to return it. The priest in charge at Acoma directed the return of the painting, citing the people of the two pueblos to appear before him and make the contention a subject of prayer. This was done, lots were drawn and the decision rendered in favor of the Acomas. But the Lagunas broke faith, returning armed in strong numbers, and by a threat to break into the church and shed blood, if necessary, secured the return of the painting to their pueblo. The Lagunas claimed that they knew nothing of the origin of the painting except from the tradition of their old men, which established their right to it. It is universally believed by these Indians that, after the Spanish conquest, a bishop gave it to the pueblo of Laguna, and that the Acomas stole it. The Lagunas then went to Acoma peaceably to reclaim it, but the Acomas refused to surrender it, and the question was decided by lot, at the suggestion of the priest in charge at Acoma.

Had it not been for weakness on the part of the Acomas, this venerable painting might have resulted in a bloody war between the two pueblos. Such was its value that at the trial one witness swore that unless San Jose is in Acoma the people thereof cannot prevail with God. All the supposed virtues and attributes appertaining to this saint, in the belief of these people, and the belief that the throne of God can only be successfully approached through San Jose, contributed to make the case one of more than passing interest. The Supreme Court decreed that the Acomas were the rightful owners, and the painting remains in the possession of the people of that pueblo today.

cepted by the United States government in 1876, and upon them the survey was made. The Acoma grant was confirmed by congress and patented as surveyed. The Laguna grant as surveyed in 1876 was never confirmed by congress. In 1890 the commission appointed by the federal government to investigate the old grant titles found evidence to show that the Laguna claim was valid, but too large, and recommended that it be cut down. In consequence it was again surveyed in 1895, giving them a tract six miles square, with the pueblo in the center. Subsequent to the date of the original grant Spanish squatters occupied various portions of the land claimed by the Indians, and the latter bought their rights. These parcels of land, three in number, are known as purchases.

During the third year of the administration of Governor Joaquin Codallos, in 1746, he established two missions for the conversion of the Navajos. One of these was located about ten miles northwest of Laguna, at Encinal, and the other about fifteen miles north, at Cebolleta. When the Navajos tired of the institution of the church, vestments and other paraphernalia were removed to Laguna.

In 1801, during the administration of Governor Ferdinand Chacon, a Spanish colony and military post was established at Cebolleta, where Governor Codallos had founded a mission over half a century before. Among the grantees, or colonists, were Jose Maria Aragon and Francisco Aragon, brothers. The following year the Navajos, who claimed that part of the country, compelled the settlers to leave. They returned to Chihuahua, but in 1803 came back under military escort and were told that if they returned again their life would pay the forfeit. The explanation of this remarkable order is that the colonists were under contract to remain in the country and the Spanish executive adopted this method of compelling them to abide by their contract. Two years later the Navajos besieged the Cebolleta pueblo in earnest. They finally forced the gates and probably would have exterminated the inhabitants but for the arrival of Jose Maria Aragon at the head of the Lagunas. One of the Cebolleta women killed a Navajo chief by dropping a metate upon his head from a window. Tradition says that an American whom the Indians called Sargento, who was living among the pueblos, was badly wounded by a Navajo arrow, but, climbing to a window, he picked off members of the assaulting party with his rifle until he died. In the meantime the Lagunas had attacked the Navajos in the rear, compelling them to retreat. In return for this service the settlers recognized the pueblos' claim to a strip of land adjoining the Cebolleta grant on the south, which had been in dispute. This land was occupied at the time by Miguel Moquino, Vicente Pajarito, Pascual Pajarito and Antonio Paguat.

The Spanish military post at Cebolleta was maintained until the organization of the Mexican republic in 1821, then by Mexico until the American occupation. The United States government continued to occupy the post with a garrison until 1862, when it was removed to El Gallo, near the site of San Rafael, and called Fort Wingate. In 1760 Mateo Pino, a Spaniard, settled at El Rito, on the Laguna grant, but he moved away on account of the Apache and Navajo raids. In 1825 his son, Guachin Pino, and Marcos Baca returned with the claim that Mateo Pino had received a large grant there. The Lagunas bought the rights of the claimant and secured from the Mexican governor title to the land, which

is known as the "El Rito purchase." In 1836 Pino and Baca purchased from Francisco Baca, a Navajo Indian, land eleven miles west of Laguna, where he founded the town of Cubero. Fort Wingate was moved to its present location, at the west end of the Zuñi Mountains, in 1870.

The Queres Indians, says Mr. Gunn, were never cruel to their captives or criminals. When death was the sentence they were speedily executed or marooned on a high rock or ledge of a precipice, from which it was impossible to escape, and there left to perish from hunger and thirst, or throw themselves down, to be killed on the rocks below. This mode of punishment was called Tit-Kash. Their war whoop was Ah-Ah-Ai, the first two syllables prolonged, the last short and abrupt.

The early Spanish explorers classified the pueblos of New Mexico, according to their languages, into nine different nations: Tiqua, Tegua, Tano, Queres, Piros, Tompiros, Xumanos, Tusayan and Cibolan. Of these the Queres always have been one of the most enlightened, as well as one of the most numerous. They now number seven tribes—Acoma, Laguna, Zia, Santa Ana, San Felipe, Santo Domingo and Cochiti. Mr. Gunn has furnished to us some interesting traditions of these Indians, which are "faded and covered with the dust of ages and badly patched with fragments from other traditions."

The meaning of the name Queres is somewhat indefinite and now practically obsolete. There is a secret medicine order called Que-ran-na, which possibly suggested the name to the conquerors. Their own name for their people is Hano. Literally translated it means "down east." One version of the tradition of the founding of the nation is that in some eastern country all the people came out of a big water into which poured all the rivers of the earth; and though these rivers flowed for ages the big water never increased in size, though it would rise and fall at intervals (the tide of the ocean?). Another version is that somewhere in the north all the original tribe came from a deep hole in the earth, into which poured four great rivers, which never filled the pit. Many of the southwestern Indian tribes have this tradition of their origin. The tradition of Shipop is that when the first people came out of the water the land was sah-kun-met (soft, or unripe). To find firm land they traveled south and upon reaching a suitable place built a village which they called Kush-kut-ret (white house or white village). Various features of their traditions go to show that the ancestors of the race were once a seafaring people. The etymology of their language has been regarded by some authorities as to a certain extent Phœnician. The closest students of their language and traditions agree that a seismic disturbance may have destroyed their former home: some even go so far as to claim that many things tend to substantiate the story of Atlantis, the lost continent, which may have been peopled by the ancestors of these tribes.

"We cannot accept their romantic theory of the destruction of their land by the marine monster, the Wa-wa-keb (whale)," says Mr. Gunn, "but we can believe that such a catastrophe may have happened, caused by some seismic disturbance of nature, as geology cites us many instances, even in modern times. In tracing these people I have given but a hasty glance along the trail they long since traveled. Let us follow these argonauts of the western hemisphere as their boats leave the island. Their course is west; they reach the coast of Florida at a time when that penin-

sula was shoals and shifting sand bars, or mostly swamps and marshes. Not finding a suitable place to land, they continue on to the south, skirting the coast till they reach the southwest extremity of the peninsula. Here on the island or keys they built their first habitations or first settlement on the North American continent, and called it Kush-kut-ret, or the 'white village.' Here the traditions are verified by archaeological discoveries of vast pueblo ruins on the keys and west coast of Florida, constructed of conch shells. There is a faint tradition among the Lagunas and Acomas that their ancestors built structures of some kind of shells, and the color of these shells may have suggested the name for their village. On the islands and main land of Florida are vast quantities of broken pottery, a silent but undisputed witness that a superior race of Indians once inhabited the peninsula. The broken pieces of pottery show that it was vastly inferior to the nicely constructed jars which the pueblos of today make. But no doubt their crude pots answered the purpose admirably for which they were intended.

"It is reasonable to suppose that communication was kept up at intervals with the island until some boat returning learned of the terrible disaster, and seeing the whale spouting in the vicinity of where the island had been, adopted the theory as most plausible, that the animal was responsible for its destruction. Years pass, some climatic change is taking place, the rainfall each year becomes less and less, until everything is parched and dry. A character whom they call 'Po-chai-an-ny' comes to them from the cane-brakes of the north; he professes to have control of the seasons; he obtains a large number of followers; the ruler, or 'Hot-chin,' is deposed and Po-chai-an-ny is elected to the place. He changes their medicine from the use of simple remedies to incantations and jugglery, but he fails to produce the desired change in the seasons. The anger of the natives finally becomes aroused. Po-chai-an-ny flees from their wrath, but is pursued and captured, and, tying large stones to him, they cast him into the deep water; but matters become worse, and at last they are compelled to move. Their course is to the northwest.

"On the banks of a large river (the tradition does not describe this stream) they construct another village, and in remembrance of the first settlement name this the 'White Village.' Here a plague which they call 'Ki-oat,' something like smallpox, overtakes them. A daughter of the ruler becomes afflicted. The disease baffles the skill of the medicine men.

"To the west of the village in a house thatched with big leaves lives an old woman by the name of Que-o Ka-pe, who is celebrated for her skill in medicine. The ruler sends his war captain and brings her to the village. She cures his daughter and many others merely by the application of water. The medicine men become jealous of the old woman on account of her skill in overcoming the disease with so simple a remedy when they are powerless with all their incantations. The medicine men hold a consultation and Que-o Ka-pe is sentenced to be killed, but before the deed is executed she makes a prophecy. The Queres Indians say that she pronounced a curse upon them; that misfortune and misery would pursue them relentlessly for generation after generation.

"Again the disease broke out more violently than before and again they are compelled to migrate and again their course is toward the northwest. They say the reason they had followed this course was to join a

people who years before had come from the same place, 'Shi-pop,' and had settled in this, to them, northwestern territory. In a valley surrounded by rugged mountains and perpendicular bluffs we again hear of the 'White Village,' last of grand settlements of the Queres.

"The tradition gives several significant landmarks. It might be questionable whether these were on the island which was sunk or somewhere in the vicinity of the last of the 'White Villages,' most probably the latter. These landmarks were four majestic mountains. On the north was the 'Kow-i-stchum-ma Kote,' literally the 'mountain of the white lake,' but probably a snow-capped mountain. Kote is the Queres name for mountain. On the east was a tall, straight mountain, called 'Kutch-um-mah Kote,' on the south was the 'Tout-u-ma Kote,' the 'hooded mountain,' probably a flat-topped mountain, capped with basalt. On the west was a rugged mountain covered with forests, called the 'Spinna Kote.'

"From the earliest times the Queres were governed from one central seat called 'Kush Kut-ret,' or the 'White Village.' The ruler, or 'Ho-tchin,' was elected for life, selected for his knowledge and executive ability. At his death another was selected in a similar way. His duties, besides governing the people, were to keep the ancient traditions and history of the people of the nation. He was also the head of the medicine order. He had one officer, the war captain (Sah-te Ho-tchin).

"The last of the white villages was built in southern Colorado, or possibly in Utah, and the tributary settlements extended throughout that part of the country where the four states corner—Colorado, New Mexico, Arizona and Utah. The destruction of this grand settlement was caused by a tributary village declaring its independence and electing a new ruler. This led to a grand war among the inhabitants, and to finish what the Queres had themselves begun, those fierce warriors, the Apaches, appeared. The destruction is complete. The nation which for thousands of years had held together, fighting their way across the North American continent, was scattered, some going to the valley of the Rio Grande, others farther west. One party went on southwest, and were never heard of after. The invasion of the Apaches is supposed to have been between 800 and 1,000 years ago. The Navajo Indians who inhabit the country where the Queres had their last settlements show a mixture of the Pueblo and Apache. Many words in the Queres and Navajo are alike, and some of their religious customs are similar, for instance, the sand paintings. \* \* \*

"Another incident they speak of was a people called the She-ken, who came to them from the south pass. \* \* \* The She-ken tarried quite a while with the Queres, at least until Korina, the leader, died. The Queres adopted several customs from these people, and their language shows a mixture with some other language, possibly the language of the She-ken. \* \* \* Should it be proved that these Queres Indians are descendants of the Atlanteans (inhabitants of the Lost Atlantis) it gives them an unbroken national record of at least ten thousand years.

"The religious belief of the ancient Queres Indians \* \* \* is philosophical and reveals a depth of thought far ahead of their descendants of the present day. \* \* \* The religion of the Queres is not exactly a polytheism, neither is it a pantheism, but seems to be a compound of the two, with a slight strain of totemism. Their theory is that reason (personified) is the supreme power, a master mind that has always

existed, which they call Sitch-tche-na-ko. This is the feminine form for thought or reason. She had one sister, Shro-tu-me-na-ko, memory or instinct. Their belief is that Sitch-tche-na-ko is the creator of all, and to her they offer their most devout prayers, but never to Shro-tu-me-na-ko. \* \* \* E-yet-e-co is the most beloved of all the deities; to her they can all pray; she is the mother who brought them forth and receives them when they die. E-yet-co means the earth; She-wo-na, the spirit of force, created from a dew-drop by Sitch-tche-na-ko; Shru-wat-tu-ma is the evil spirit; Wa-ah-me-na-ko is the guardian spirit; Ka-tu-te-a is the spirit of charity; Kap-poon-na-ko is the spirit of sleep; Moe-a-na-ko is the spirit of the yellow earth; Mots-sin-ne-na-ko is the spirit of the hills and mountains.

"The only thing in their religion which indicates totemism was the worship of the 'Tsets-Shri-na.' This was a monstrous green serpent, with horns, that they say inhabited the big water. The Queres knew something of astronomy; they knew the difference between the fixed stars and the planets, and had names for some of the constellations. According to their way of mapping them they say the sun had eight children." \* \* \*

Mr. Gunn has preserved for us some interesting history of these two fascinating pueblo tribes, besides the traditions outlined. He states that in 1851 Samuel C. Gorman, a native of Cincinnati, Ohio, came to Laguna as a missionary for the Baptist church. In 1856 the government authorized him to erect a building for school and church purposes, and this building is still employed for these purposes. Between 1855 and 1860 General McCook established a military camp at Laguna, maintaining it about a year. The ruins are still visible a short distance north of the pueblo. This officer recruited a company of the Laguna Indians to act as scouts in the campaign against Nane and Mangus Colorado, two bloodthirsty Apache chiefs, giving these Indians an opportunity to settle a long-standing account against their old foes. Soon after this campaign President Lincoln sent to each of these pueblo villages a silver-headed cane, to be held by the governors as badges of office.

During the Navajo war of 1862-66 the Lagunas and Acomas rendered to the American troops every possible assistance in their campaign, and were greatly praised by the commanding officers for their fidelity and their arduous labors. In 1868 W. F. M. Arny was appointed agent for the pueblos, and did everything in his power to lift them from their woeful state and give them the rights to which they unquestionably were entitled as human beings. In 1871 Walter G. Marmon was made government teacher at Laguna—the first to be appointed by the government as teacher of the pueblo Indians. Some time prior to this time the more progressive members of the tribe, realizing the advantages of an education, established a subscription school and engaged a Mexican named Manuel Cassius to teach their children. The work done by Cassius evidently was of a most indifferent character, for when Mr. Marmon entered upon his duties he found that not one member of the tribe could speak English, and but one could read and write Spanish. Mr. Marmon was not only teacher, but preacher, physician and good counsellor as well. He was at once recognized by the Indians as their friend in all that the term implied. Through his efforts the time-honored custom of burying all the dead in the Roman Catholic church or in the yard in front of it, a most unsanitary custom and

at that time impossible of accomplishment without the removal of the bones of others who had been buried there for many years, was abolished, and two cemeteries, Protestant and Roman Catholic, were established. Mr. Marmon continued his labors until 1875, when he resigned, and Rev. John Menaul, a Presbyterian missionary, was appointed by the government to succeed him. Mr. Menaul established at Laguna the first printing press, which was devoted principally to the publication of missionary literature. He also translated and published in the Queres language McGuffey's First Reader. He remained until 1887, and was beloved by all the Indians.

An event of considerable importance to both the Acomas and Lagunas occurred in 1876, when arrangements for the survey of the Acoma grant were about to be put into execution. The stream rising in the warm spring, known as El Gallo, about twenty-five miles northwest of Laguna, had been diverted about 1868 as an irrigating stream by ex-soldiers who had squatted in that vicinity. As the land was a military reservation these men were notified to move. In 1870 the land was opened for settlement, and among those who came to take up land were most of those who had been expelled. When it became known that El Gallo was the property of the Acoma Indians the squatters were advised to bribe the head men of the tribe to represent to the government surveyor that another spring, about ten miles east, was the real El Gallo. In payment for this act the settlers proposed to give to the Acomas part of the Laguna grant, which had not yet been surveyed. Although by so doing the Acomas lost about one-third of their original grant, they gave the testimony sought and the changes in the limits of the grant were made. All that was now necessary was to put the Acomas in possession of the land of the Lagunas. The former were notified to be upon the ground at a specified time, when a Mexican alcalde, who was regarded by them as the supreme authority, would give them legal possession. When the Lagunas learned of the scheme they presented the facts to Mr. Marmon, who was then conducting a trading post at Laguna, who armed two small companies, infantry and cavalry, he taking command of one and George H. Pratt, a government surveyor, commanding another. They found the Acomas upon the field, armed with every conceivable weapon. When the alcalde began to read the decree, the improvised military charged. The alcalde and his posse fled precipitately, but the Acomas stood their ground and a pitched battle ensued, in which several were injured, but none fatally. The Lagunas' champions were victorious, but by a compromise afterward agreed upon the Lagunas relinquished about one-half of what they claimed within the Acoma grant, and the Acomas gave to Laguna a quit-claim to the remainder of the lands in dispute that were inside the Acoma boundaries.

The form of government of these pueblos is both democratic and republican. Minor business transactions are regulated by the governor and his official staff. The executive body in Laguna consists of the governor, two lieutenant governors, a war captain, seven fiscals or supervisors and seven major-domos or overseers of ditches. In the transaction of the more important business the whole population is asked to vote upon the proposition. The grant is held in common, but each individual or family holds its own private field—as much as can be cultivated. They are not permitted to sell lands to any person who is not a member of the tribe.

The Lagunas claim to have had three different historical records—



the book of the "water people," the book of the "eagle people," and the book of the "corn people," painted on the skins of the animals. As there is no evidence of phonetic writing having been understood among them, this writing, if it existed, doubtless was symbolic.

The "prophecy of She-ake," a Queres tradition, is referred to by Coronado in a letter to the Viceroy of Mexico. He says: "They declare that it was foretold among them more than fifty years ago that a people such as we are should come, and the direction they should come from and that the whole country would be conquered." The legend is that the old magician who made the prophecy, She-ake, lying flat upon the ground, would strike the earth with his fist, commanding the people to listen. He then foretold the coming of a strange people—bearded warriors wearing shirts and hats of metal—and described the manner in which they would conquer and enslave his people. He then told of the people of the light-colored hair, who would come from the east, would conquer the entire country, and become friends and champions of the Pueblo Indians; that they would build great metal roads, and that the rains would return and that the Queres people would once more be happy, contented and prosperous.

The first white man to hold the office of governor of any of the Queres Indians was Robert G. Marmon, who in 1880 was elected governor of Laguna.

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R. G. Marmon was born in Kenton, Ohio. He was educated and studied engineering at the Northwestern Ohio Normal School at Lebanon, that state, and in the year 1872 made his way to Santa Fé as a civil engineer on the government surveys. For three years his headquarters were at Santa Fé, while he was actively engaged in government surveying. In 1875 he located at Laguna pueblo, where he kept up his engineering work and also turned his attention to general merchandising and stock raising. He is now engaged quite extensively in the cattle business and at the same time follows the profession of civil engineering at Laguna. His cattle ranch is located fifteen miles south of Laguna at Dripping Springs and he is interested in and assisted in organizing the New Mexico Pumice Stone Company, which now produces about five car loads of pumice stone a month. There are two kilns at Bluewater, sixty miles west of Laguna, furnishing lime to all the northern parts of the Territory along the Santa Fé road. His business interests have thus been varied and extensive and he possesses the strong determination, enterprise and diligence so necessary to success in any undertaking. He furnishes rooms to tourists and traveling men, also teams to tourists for points of interest, such as the pueblo of Acoma, "Enchanted Mesa" and the mountains of San Mateo.

Mr. Marmon served for ten years in the New Mexico militia and was captain of the Laguna troops of mounted militia during the Apache war. Since taking up his abode at his present place of residence, he has labored untiringly and effectively for the education of the pueblo Indians at this place and Acoma and he served for several terms as governor of the Laguna pueblo, while in 1884 he headed the first delegation of sixty Indians who were taken to Carlisle, Pa., to be educated. He stands for progress and believes that the nation owes a debt to the red race, who at one time held sway over this entire country.

Near the center of the plains of Acoma rises a rectangular rock of red and gray sandstone, in shape something like the figure 8, with perpendicular sides seven hundred feet high. This rock is called the "Mesa Encantada," or "Enchanted Mesa." The outcroppings of the stone project from the face of the walls at the top, making the summit wholly inaccessible. The top of this table land covers an area of about forty acres. Here flourished, according to the Queres legend, probably not later than the year 1300 A. D., about one thousand five hundred Acoma Indians. They cultivated their corn, chili and bean patches in the valley near the foot of the rock, pastured their stock thereabouts, and made their home on the summit of the mesa, their only means of ascent and descent being narrow steps cut in the face of the rock on the east side. These steps continued to an elevation of about three hundred feet, whence, through a landing, the entrance of which was arched like that of some great cathedral, the way is supposed to have led into the rock and up another long flight of steps, or series of flights, to the top, where were located their rude houses of stone and adobe.

One day, according to the Queres legend, a great calamity overtook this community. While the younger men of the pueblo, the women and the children were engaged at work in the fields on the plain, a terrific thunder storm arose, and either a bolt of lightning or a cloudburst struck the projecting rock in which the steps were cut, completely demolishing it and effacing all traces of the crude stairway from the ground to the arched entrance referred to. The aged men and women and the infant children who had been left on the mesa were thereby forever cut off from their kinsmen below, and the latter were unable to ascend to their homes. To add to their distress, the fallen stone had crushed to death a score or more of those who had sought refuge from the storm at the base of the rock. After weeks of desperate waiting, during which faces of the imprisoned ones appeared over the jagged edges of the rocks in decreasing numbers, no sign of life there was visible, and the helpless watchers below knew that all their captive people at last had succumbed to hunger and thirst.

The sorrowing Acomas who survived then gathered together their scanty effects and, carrying their wounded on crude litters woven from the spines of the amole plant, wandered away into the desert to found a new home. Two miles distant, on the summit of a mesa which was almost an exact counterpart of the site of their original home, though not so high by about one hundred and fifty feet, they built their new homes of stone and mud and hewn timbers, which they carried on their backs up this steep and rocky declivity. This is the Acoma pueblo of today—an impregnable fortress in time of danger, one of the wonders of the southwest.

In the calamity described, nearly three hundred Indians perished, according to the stories told by the "historians" of the tribe. In the revolt of 1680 the Spanish Catholic missionary stationed on the mesa with the Acomas is said to have been the only priest who escaped death at the hands of the furious pueblos throughout the province of New Mexico. When the Spaniards besieged the base of the rock, the Indian women sacked the village church and were about to stone the friar to death, but he made his escape and is said to have jumped from the top of the mesa, landing uninjured on the plain below! That he made the leap in safety is ascribed

to the fact that he wore a large *serape*, which in his downward flight acted as a parachute. This priest is said by some to have been subsequently recaptured by the Acoma warriors, who, after a council of war, decided that he must be either saint or devil; and upon his consenting to renounce his religion he was taken to their home and became a member of the tribe by adoption. Subsequently he married one of the women of the pueblo, and his descendants are said by some to be recognizable among the people of Acoma.

In the summer of 1897 Prof. William Libby of Princeton University, with a party, made the ascent of the Enchanted Mesa by means of rockets, lifeline mortars, etc., but found no traces of prehistoric occupancy. This was the first practical attempt to that end. C. F. Lummis, who has written much on this subject, says that fully six hundred years must have elapsed since its abandonment, if the legend be true; and that as Libby made no excavations, and remained but a short time on the summit, his statement should not be accepted as final. Lummis continues: "They dwell today in a pueblo perched upon the top of a rock island, precisely like the Mesa Encantada, except that it is not so high; and it is but three miles distant. Not only that, but in that immediate region there are three other mesas, upon which (so their legends relate) they had prehistoric pueblos—and the ruins are there to prove the story. \* \* \* The decay of aboriginal architecture assumed phases that may almost deceive the very elect, and, besides ordinary erosive forces, there are others. That whole region is notable for the enormous extent of wind erosion. One has also but to remember the ruin of San Mateo, so absolutely buried by the sands that the people who lived within gunshot of it never dreamed of its existence until a fierce sandstorm stripped some of the beautiful stone walls of it. \* \* \* From the southeasterly third of the mesa's top enough of the surface has been eaten out by erosion into a deep chasm to have held as large a pueblo as ever could have been built on that mesa. That is to say, the ruins may have been devoured by the growth of the great gully which the erosion of recent centuries has gnawed in the table rock, and that also may be the reason why, in the talus at the foot of the cliff, under the point where the storm waters of this gully leap from the cliff to the plain, fragments of pottery, chipped stone and other artifacts are found, even on the surface." Lummis says that the legend is that all of the population but three women were on the plain when the cloudburst washed away the stairway. One of the women, crazed with grief, flung herself from the cliff; the others starved.

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For more than a quarter of a century the investigations of archaeologists and ethnologists in the United States have been largely directed to the southwest, especially to New Mexico and Arizona, a region which appears to have been once densely populated, then desolated, probably by wars, and afterwards held in precarious tenure by remnants of a disappearing race. The older ruins are found in the valleys, where the prehistoric race probably dwelt in peace until they were forced by their enemies to take refuge in caves and other well nigh inaccessible spots in the walls of cañons. How many generations of these people were cliff-dwellers

never will be known, though many of the ruins of their strange homes are doubtless hundreds of years old. Some of these fastnesses have become utterly inaccessible owing to the destruction of the approaches through erosion.

When the nomadic aboriginal tribes grew less warlike and a more peaceful condition ensued, the inhabitants abandoned their fortified residences and settled upon the mesas, from which elevated locations they could readily detect the approach of an enemy. In the valleys below, on the banks of the streams, they planted their crops. Eventually, as the fear of depredations passed, they ventured to descend to the valleys and to build their homes upon the ruins of the towns of their forbears. There, in the course of time, they re-established their pueblos, many of which still endure, while some of the earlier structures have crumbled to the earth. All these pueblos are now located on the lower ground, the pueblos of Acoma and the Hopi villages of Arizona being the only existing mesa community dwellings.

A vast amount of research remains to be accomplished before the full history of these tribes of men can be written. It probably never will be done. Tradition is the basis of practically all the historical writings of the past half century relative to these people, their literature being confined chiefly to picture-writing or hieroglyphics on the cañon walls. Many of the tribes, however, possessed a quaint semi-civilization without parallel in any other portion of the globe. Reference to this civilization will be found further on in this narrative. For the present let us look at the Zuñis, a tribe whose great exclusiveness has left to them a rather striking individuality, placing them on a plane above that occupied by the other pueblo tribes of the southwest.

As religion unquestionably exerts a more marked influence upon the life of a people than anything else, the religion of the Zuñis is worthy of study. Their highest aim is the pursuit of happiness, which has developed in them a philosophy which forms the groundwork of their pagan religion. Truthfulness is the cardinal principle of their practical religious life. A Zuñi must "speak with one tongue" in order that his prayers may be acceptable to the gods, and unless his prayers are accepted no rain will fall, leaving starvation as the alternative. He must speak in a gentle voice and act kindly to all, for harsh words anger the gods. To them, the acme of happiness is abundant physical nourishment and temporal enjoyment, this being the chief end sought in the worship of their pantheon gods. Though their religion has been modified as the result of the protracted efforts of Roman Catholic missionaries, it is not Roman. For a long time subsequent to the advent of the Spanish conquerers, their forefathers were compelled to worship in the Catholic church, but this fact did not seriously affect their pagan belief. They took naturally to the ritualism of that church, but were allowed to decorate their homes with their old pagan symbols. While the introduction of the new ritual resulted in a modification of the old, it in no way destroyed the latter. The Zuñis are still pagans at heart.

Upon the establishment of the Bureau of Ethnology of the Smithsonian Institution in 1879, an expedition was dispatched to make researches among the pueblos and ruins of New Mexico and Arizona, but with instruction to make a detailed study of some one particular pueblo. Zuñi was selected as the chief object of study. The expedition was placed in

charge of James Stevenson, whose associates were Mrs. Matilda Coxe Stevenson, Frank H. Cushing and J. K. Hillers. Six months were devoted to a study of the religion and sociology of the Zuñis and in making a collection for an ethnological exhibit. The largest and most valuable collection of fetishes and sacred vessels ever secured from any of the pueblos was made at this time. In subsequent years further researches were made among the Rio Grande pueblos and the ruins of Arizona. The rich results from superficial excavations convinced Mr. Stevenson that archaeological treasures would be found in abundance beneath the surface. With the opening of the railroad, tourists and curio seekers began securing some of the choicest specimens through barter with the Indians, and the necessity for immediate action on the part of the government's representatives became apparent. But before he could put his plan into execution Mr. Stevenson died, in 1888, leaving Dr. Walter Hough, D. J. W. Fewkes, Dr. George H. Pepper and others to continue the work. For a number of years Mrs. Matilda Coxe Stevenson investigated the myths and ceremonials of the Zuñis, her report to the Bureau of Ethnology forming an invaluable contribution to the knowledge of a typical pueblo tribe, which, although in somewhat familiar contact with the whites for a long period of years, is of such a conservative character as to have been but slightly influenced in manners, customs, beliefs and institutions. The necessarily brief reference to these people which follows is abstracted from her report.

The Zuñis believe that the earth is supplied with water by their dead of all ages above infancy, and that infants soon reach maturity after going to the undermost world, whence the Zuñis came. The heavy rains are produced by the pouring of water directly from vases held by the female gods. The uwannami, or rain makers, are controlled and directed by the council of the gods. The varying forms of the clouds are significant to the Zuñi mind. Cirrus clouds denote that the uwannami are passing about for pleasure. Cumulus and nimbus clouds indicate that the uwannami will water the earth. The smoke offerings which produce the clouds may have been sufficient to bring the rain; but this is not all. The daily life, especially of the ashiwanni, or rain priests, must be such as not to offend the councils of gods. These people rarely cast their eyes upward without invoking the rain-makers, for in their arid land rain is the prime object of prayer. Their water vases are covered with cloud and rain emblems, and the water in the vase symbolizes the life, or soul, of the vase.

The seeds distributed among the people by the personators of ancestral gods are recognized by the intelligent as only symbolizing the blessings which they desire and anticipate, yet each person receives the gift with the same solemnity and plants it with the same reverence as if it actually came from the god of seeds in the undermost world.

The sun is referred to as the father, the ancient one. The moon is his sister. The sun-father has no wife. All peoples are the children of the sun. The higher powers may be classed under seven heads:

1. Universal.—Awona-wilona, the supreme life-giving, bi-sexual power, who is referred to as He-She, the symbol and initiator of life, and life itself, pervading all space.

2. Celestial.—The sun-father, directly associated with the supreme power, was and always will be. The supreme power gradually draws the mystic veil from the moon-mother's shield, indicating birth, infancy, youth

and maturity; she draws the veil over the shield again, symbolizing man's passing to the infancy of old age, when he sleeps to awaken in the abiding place of the gods. The morning and evening stars are also celestial powers.

3. Celestial.—The polar star and several of the constellations.
4. Terrestrial.—Earth mother, giver of vegetation.
5. Subterranean.—The gods of war, the culture hero, and the corn mother.

6. Subterranean.—Salt mother, corn father, white shell woman, red shell woman, turquoise man, patronal and ancestral gods, the plumed serpent, and a number of foreign deities to be propitiated.

7. Terrestrial and Subterranean.—Zoic gods who play their part through the esoteric fraternities, eradicating the ill effects of witchcraft on individuals. The second and sixth classes are represented by persons wearing masks, and the third is represented in carvings and paintings.

The universe had its beginning in this wise: Awonawilona, with the sun-father and the moon-mother, existed above; and the rain priests, Shiwanni and Shiwankia, his wife (the priestess of fecundity), below. All was fog, rising like steam. With the breath from his heart Awonawilona created clouds and the great waters of the world. The sun-father, Yatokia, holder or bearer of light, created two sons, Kow-wituma and Wats-usi, by impregnating two bits of foam with his rays. From these sprang the human race. The Mu-Kwe (Hopis), the Coconino Pimas and the A-pachu (Navajos) followed the Zuni in the order named, four years, or time periods apart, coming like the A-shiwi, from the undermost world and passing through three worlds before reaching the earth. The Zuni do not pretend to account for the origin of the other pueblo Indians.

Their belief in witches dates from the earliest days of their race. Even so late a day as the close of the nineteenth century has witnessed severe punishment for the practice of witchcraft.

In a report to the commissioner of Indian affairs in 1897, Captain Charles E. Nordstrom, acting Indian agent of the pueblos and Jicarillas, wrote:

"The village of Zuni was recently the scene of an occurrence recalling all the horrors of the days when our God-fearing ancestors of New England piously devoted their neighbors and friends to the stake. A poor old woman, seventy-five or eighty years old, having been reported as a witch, the Society of the Priests of the Bow ordered her torture until she should confess. The emissaries of the society accordingly went to her house in the dead of the night, dragged her from her bed, and almost literally dragged her down the five stories to the ground, carrying her off to the 'torture canal,' where, tying her hands behind her, until unable to endure the agony longer, she confessed to—no one knows what. It was, however, sufficient to satisfy her judges, for she was let down and allowed to crawl back to her miserable abode as best she could. Here she lay for days, no one caring to go near her, or if they had any compassion on her they were afraid to display it, for fear of sharing her fate as a witch, together with the infliction of the same punishment."

The Zuni are very superstitious, and their belief in witchcraft has led to the torture and execution of many of their members. In past years, if the governor or any of his assistants were taken ill, the witches were

charged with bringing on the affliction; failure of crops, seasons of drought or heavy rains are still attributed to their power by some of the older members of the tribe. Calamities of all kinds are believed to be the result of witchcraft. Less than twenty years ago a woman was accused of bringing a plague of grasshoppers to the Zúñi family, and she and her son were tortured to death.

The Zúñi Ki-wit-siwe, chambers dedicated to anthropic worship, are above ground, rectangular in form, and constructed of stone. The fire altar, of stone slabs, is immediately beneath the hatchway entrance. There is a great variety of anthropic gods in the Zúñi pantheon, many of them ancestral. There are six of these chambers, dedicated to the six regions. Each has its dance director. Dances may occur at any time he directs between the winter solstice and the summer solstice. Dances for rain sometimes occur in the farming districts. Women may join this dancing order, but their initiation is rare. In 1904 there were four female members of one order, which is called the Ko-tikili.

There is no perpetual fire maintained in the Ki-wit-siwe or estufa of any pueblo, contrary to the popular belief; nor has one been so maintained since the introduction of matches among the Indians; and since they have found their way to the woods free from enemies. In times past the scarcity of wood near home and the dangers attending journeys for wood, which was brought by the Indians upon their backs, beasts of burden being unknown to them until the Spanish invasion, compelled the strictest economy in fuel and necessitated a central fire for each village. This furnished coals with which to light smaller fires when needed. Fire is regarded as a goddess, second in importance only to the sun.

Though Zúñi pottery may be made at all seasons, the principal period for its manufacture and decoration is three days during the summer solstice ceremonies. During these days the women and maidens are to be found busy molding clay or painting in every house in Zúñi. On the fourth day it is fired. The village is ablaze at night, having the appearance of a smelting town. A bit of wafer bread, the spiritual essence of which is believed to feed the spirit of this object, is deposited in each piece of pottery as it is balanced on stones, to be baked.

The rain priesthood consists at the present time of fourteen A-shi-wanni (those who fast and pray for rain), the elder and younger Bow priests, and Shi-wano-kia (priestess of fecundity). Their ceremonial house marks the middle of the world. This priesthood is confined to families, the rule being that each member of a division of the priesthood must be of the clan or a child of the clan of the Shi-wanni division. The sun or brother of the Shi-wanni fills a vacancy, preference being given to the eldest son. The associate priests are in the line of promotion. An elaborate ceremonial of installation occurs when the appointee is received as an associate Shi-wanni. He passes from this position to that of Shi-wanni without further ceremonial of special importance. Many pleasantries and jokes are indulged in under the breath during the long ritual, and commercial tobacco is constantly smoked by those who are awaiting their turn. At the close of the ceremony, which continues six hours, the new associate Shi-wanni, who remains in one trying position four hours, showing no sign of exhaustion until the last moment, is escorted to his dwelling.

The drama of the t-hla-hewe, which is enacted quadrennially in Au-

gust when the corn is a foot high, is supposed to be a reproduction of the ceremonies held at the time of the third appearance of the Corn maidens before the A-shiwi (during the formative process of the tribe), and is regarded as one of their most sacred festivals. Great preparations are made by the A-shiwi for the third coming of the Corn maidens, who dance that rains will come and water the earth, that the new corn may be made beautiful to look upon, and that the earth will furnish all food for nourishment. While this drama must be enacted once every four years, it may occur more often by order of the first body of the A-shiwanni. This ceremonial is one of the most picturesque, as well as one of the most exhausting, indulged in by the Zuñis.

In all religious dances the plaza or chamber is entered in file, led by a man or woman. The woman leader wears conventional dress, always her newest and best, and, if necessary, articles are borrowed from her family or members of her clan for the occasion. Special attention is given to the moccasins and leggings, which are of the whitest dressed deerskins, with glossy black soles, an entire skin being used for the purpose. The larger the skin the more desirable, for the ambition of the Zuñi woman is to have her legs so wrapped from the ankle to the knee that the feet, naturally small and beautiful in form, shall appear as diminutive as possible. The white blanket, bordered in red and blue, is worn over the back. A fluffy eagle plume is tied to the forelock. While silver beads of native manufacture are the only necklaces used as the daily adornment of the women, the necklaces of the men—the Ko-hakwa, turquoise and coral beads—are added to the silver ornaments when the women appear in ceremonials, until the breast is covered with the precious beads. The borrowing of finery is not confined to the women, the men being equally as anxious to adorn their persons; but the borrowing is always done in the most secret manner. The man is less conventional in his dress, so there is greater margin for variety in costume. He frequently wears velvet knee breeches lined on the outer sides with silver buttons, a native woven black wool shirt, elaborately trimmed with red and green ribbons, over one of white cotton, the sleeves of the other being open so as to expose the undersleeves of the white shirt. Sometimes a silver belt is worn; at other times a red silk scarf is tied around the waist. Ordinary moccasins, always the best ones, are worn with leather leggings ornamented with silver buttons and tied on with red garters. While this is the usual dress of the male leader, any apparel which suits his taste may be worn. A line of micaceous hematite crosses his face below the eyes, denoting office, and a fluffy eagle plume is tied to the forelock. In all ceremonials where men or women act in the capacity of leaders of dances or serve to secure dancers for the festivals, the dress is similar to that described in the foregoing. The leader is never included in the number of dancers.

The government of Zuñi is hierarchical, four fundamental religious groups and the other esoteric fraternities being concerned. A governor with four assistants and a lieutenant governor with his four deputies constitutes the civic branch. These men are all nominated by the rain priests. Though the governor is elected for one year, he may be re-elected one or more times. The chief insignia of his office is a cane presented to the pueblo by President Lincoln. The governor and his staff attend to such



secular affairs as do not require the judgment of the religious group. Capital punishment comes within the jurisdiction of the latter body.

The Zuñis are an agricultural and pastoral people. A man may cultivate any strip of land, provided it has not already been appropriated, and may transfer it to any other member of the tribe. Houses are disposed of in the same manner. After a man is married, the products of his fields are carried to the house of his wife's parents (his home after marriage); and, though it is understood that these products are for general household use, there is an unwritten law that the property of each man may be removed from its storing place only by his wife and himself.

The Zuñi tribe is divided into clans. The child is always referred to as belonging to the mother's clan, but as being the "child of the father's clan." The clan plays an important part in ceremonials. The existing clans are named as follows:

Dogwood, corn, sun, badger, bear, coyote, sandhill-crane, eagle, frog, tobacco, chaparral-cock, turkey, deer, yellow-wood, antelope, and one named after an unidentified plant.

The extinct clans are named: Wood, sky, cottontail-rabbit and black corn.

Though some Zuñi houses have as many as eight rooms, the ordinary house has from four to six, and some have but two. Ledges built with the house extend around the rooms, forming seats and shelves. In the general living room, which is the largest, the family wardrobe hangs on a pole suspended from the rafters. As a rule, the mills for grinding meal are set up in the rooms. Most of the rooms are provided with fireplaces. Candles are never used nor are lamps used for ordinary lighting. A lamp made of baked clay and somewhat resembling an ancient Roman lamp, is employed on the occasion of certain ceremonials, but it gives very little light.

Several families are frequently found under the same roof. The Zuñis do not have large families, and the members are deeply attached to one another. Children are rarely disobedient, and play without quarreling. The youngest children never touch or disturb anything belonging to others. The boys and girls do not play much together. The older girls do not usually go about the village unattended. While parents are inclined to look to the marriage of their children, there are many love matches.

A Zuñi pueblo resembles a great beehive, with its houses built one upon another in a succession of terraces, the roof of one forming the floor or yard of the one next above, and so on until in some cases five tiers of dwellings are successively erected. But few houses, however, are more than two stories in height. The wealthy class live in the lower houses; those of more modest means, next above; while the poor families, as a rule, content themselves with the uppermost stories. The houses, which are built of stone and adobe, are clustered about three plazas, and a fourth plaza is on the west side of the village. There are three covered ways and several streets.

The annual journey to the Zuñi Salt lake, for the purpose of gathering salt, is an important event, as it is with the other pueblos, and is accompanied by elaborate ceremonies. It has been said that the Zuñis claim the Salt lake exclusively, and demand tribute from the other tribes, but such is not the case. The records show that this lake has been, from time

immemorial, the great source of salt supply for many different tribes and families. The place is neutral ground, and in times of war one was safe from the attacks of the enemy so long as he remained within the recognized limits of the lake. Many thrilling stories are told by the Zúñis of their efforts in the past to anticipate the hated Navajos in reaching the lake, knowing that by so doing they would be preserved from harm.

The volcanic peaks which rise one hundred and fifty or two hundred feet above the waters of the lake are quite symmetrical. The outer and inner sides are so covered with volcanic cinders that it is extremely difficult to ascend or descend. Only those of the Bow priesthood who had taken four scalps were permitted to enter the crater during the days of the intertribal wars, when only such men as brought back scalps were eligible to initiation into this order. A shrine especially set apart for the offerings for the elder and younger brother Bow priests is located on the east side of the lake.

The Zúñis depend upon their native blankets for bedding, and to a large extent for wraps. As the Navajos became greater experts in weaving, the art of the Zúñis deteriorated, and the latter ultimately came to depend upon the Navajos for the better grades of blankets. The Zúñis make, for ordinary use, a variety of coarse baskets of willows, dogwood and a plant (*Chrysothamnus graveolens*) which grows profusely over their country. All the finer bead baskets and ceremonial trays are purchased from the Apache, Hopi and other Indians. The manufacture of pottery, however, is one of their most interesting industries. Most of the women are potters, the art being learned at an early age. The only implements used in the work are the bottom of a discarded water vase and a sort of trowel made of a gourd or a suitable fragment of pottery. No wheel is used, nor is any kind of lathe or revolving support known to these people.

Native silver is not known to this tribe, and Zúñi sages claim that their people never worked in silver or copper before the advent of the Spaniards. The Mexican dollar, owing to its purity, is employed by the silversmith in preference to the silver dollar of the United States. The furnace, bellows, dies—everything pertaining to the workshop of the silversmith—are of home manufacture, except the files and hammers, and these are carpenters' tools. The more precious beads of shell, black, red and white stone, are antique, and are no more manufactured. They still make beads of turquoise, white shells, preferably the olive shell, and spondylus princeps. The Indian wagon is of home manufacture, although of Spanish origin. The wheels are heavy blocks, carved in the rudest fashion. The bed is composed of beams or poles, and the sides of slender poles. The structure is sometimes lined with hide. It is drawn by oxen, and the whole is of the most primitive character.

James Stevenson, during his first visit to the Zúñis in 1879, inaugurated many changes for the better. Window panes, candles, lamps and silversmiths' implements were introduced, and larger doors were made. Improvements progressed slowly from that time to 1902, but since that date great strides have been made in certain directions, though the Indians are still in a deplorable condition morally. The art of dyeing is virtually lost. Whenever the men can raise money for the purpose they have come to wear the dress of civilization, including hats and shoes.

Belief in witchcraft seems to be universal among the Indian tribes, and

no great advance in civilization can be made among them until the beliefs and the accompanying practices are rooted out. The people are in constant terror of being conjured. Young mothers especially are solicitous for their infants, since these are the targets for the venom of diabolical beings. The child's head and face are always covered when a supposed witch approaches. The philosophy of these people is such that, though the witch may be regarded as all-powerful, none but the poor and unfortunate are condemned.

The Zuñis have many esoteric fraternities, originating in the early days of the tribe. At least one of these secret societies was adopted from the Hopi Indians. The middle village on the first mesa of the Hopis was originally a Zuñi settlement. The ceremonials of these fraternities, the Ko-tikili excepted, are held in large chambers on the ground floor. Whenever possible these rooms must extend east and west, in order that the altar may face east and the first light of day enter through the eastern window. Each fraternity asserts that it has occupied its present ceremonial chamber since the founding of Zuñi, except the branch fraternities. The closing scenes of many of the initiatory ceremonies indulged in by these societies reach the acme of depravity and are disgusting beyond description. In some cases the ceremonial partakes somewhat of that characteristic of free masonry, and the Indians state that these ritualistic performances long antedated the coming of the white men. While it remains to be learned definitely by what people or peoples the elaborate rituals of the Zuñi were instituted, it is assumed by some students of their traditions and customs that they originated with the Zuñi themselves. But before any exposition of the origin of the fundamental religious organizations and of the rituals can be offered, a comparative study of the various pueblo Indians must be made. This work cannot be begun too soon, for not only are the villages losing their old-time landmarks, but the people themselves are changing, and adapting themselves to suddenly and profoundly altered environment. And the Zuñi, at least, whose religion teaches them to speak with one tongue, to be gentle to all, and to subdue the passions, thereby winning the favor of their gods, under the influence of modern conditions are losing the restraining power of this religion, and as a result are changing for the worse.

Where the Zuñis have entered the larger sphere of New Mexican history, an account has been given in the general narrative. The following chronologic summary of their history, supplementing the facts already given, was prepared by F. W. Hodge, of the Smithsonian Institution, and appears in the annual report of the Bureau of Ethnology:

- 1539, May. Fray Marcos of Niza visited Cibola in this month and viewed Hawikuh, one of the Seven Cities, from a neighboring height. This pueblo was the scene of the death of his negro companion, Estevan, at the hands of the Zuñis about May 20. Niza here took possession of the province in the name of the king of Spain.
- 1540, July 7. Francisco Vasquez Coronado, after a conflict in which he was wounded, captured Hawikuh and applied to it the name Granada. It had 200 warriors. On July 11 the Indians retired to Toaiyalone (To'wa yäl'länne). This is the first reference in history to the use of this mesa as a place of refuge, although it may have been used as such in prehistoric times.
- 1540, July 15. Coronado sent Pedro de Tovar from Cibola to the province of Tusa-yan (the Hopi country).

- 1540, July 19. Coronado journeyed from Granada to Toaiyalone and returned the same day.
- 1540, August 3. Coronado wrote his celebrated letter to the Viceroy Mendoza, dated "from the province of Cevola, and this city of Granada."
- 1540, August 25 (?). Coronado sent Lopez de Cárdenas from Cibola on a journey which resulted in the discovery of the Grand Canyon of the Colorado river.
- 1540, August 29. Hernando de Alvarado was sent eastward from Cibola to the buffalo plains.
- 1540, September. The army of Coronado reached Cibola with sheep and cattle. This doubtless marked the beginning of the sheep and cattle industry and of the use of horses among the southwestern tribes. Twenty days later the army started for Tiguex, on the Rio Grande, where it established winter quarters.
- 1542, spring. Coronado and his army passed through Cibola on their way back to Mexico, leaving some natives of Mexico among the Zuñis.
- 1581, summer. Francisco Sanchez Chamuscado, with a small force, visited the province of Zuñi (misprinted Cami in the records), which comprised six pueblos, one village having been abandoned subsequent to Coronado's visit.
- 1583, —. Antonio de Espejo, with Fr. Bernardino Beltran and an escort of fourteen men, visited a group of six pueblos, one of them named Aquico (Hawikuh), "which they call Zuñi, and by another name Cibola." Here crosses were found erected near the pueblos and three Christian Mexican Indians who had been left by Coronado forty-one years previous. Fr. Bernardino remained at Hawikuh for several weeks, while Espejo made a tour to the west.
- 1598, September 9. The province of Zuñi became a parochial district under the new governorship of Juan de Oñate, the colonizer of New Mexico, and Fr. Andrés Corchado was assigned to it, but he never was an active missionary there. In the records Fr. Juan Claros is also assigned to this parish, through misunderstanding.
- 1598, November. Juan de Oñate visited Zuñi, and on November 9 the natives made their vows of obedience and vassalage. Oñate mentions the six villages by name: Agucobi, or Aguscobi (Hawikuh); Canabi (Kyanawe?); Coaqueria (Kyakima); Halonagu (Halona); Macaquí (Matsaki); and Aquinsa (Apinawa?). Crosses were found and also children of the Mexican Indians left behind by Coronado. Here Oñate spent only a couple of days.
- 1598, December 10 (?). Oñate passed through Zuñi on his way back to the Rio Grande from the Hopi country.
- 1604, October. Oñate again visited Zuñi, or Cibola, on his way from the capital of New Mexico, San Gabriel, on the Rio Grande, to the Gulf of California. The province consisted of six villages containing about 300 houses. Hawikuh was the most important village at this time, its houses numbering 110. In Coronado's time it was said to have more than 200 houses or 500 families. From thence Oñate proceeded to the Hopi country, the province of Tusayan.
- 1605, April. Oñate probably passed through Zuñi on his way from the mouth of the Colorado to the Rio Grande, as he carved an inscription April 16 on El Morro, or Inscription Rock, thirty-five miles east of Zuñi.
- 1629, June 23. A band of missionaries under Fr. Estevan de Pera, accompanied by the governor, Don Francisco Manuel de Silva Nieto, started westward from Santa Fé for the purpose of planting missions among the Acomas, Zuñis, and Hopis. They evidently reached Zuñi late in July, as Nieto's first inscription on El Morro is dated July 29. Fr. Roque de Figueredo, Fr. Agustin de Cuellar and Fr. Francisco de la Madre de Dios, together with three soldiers, one of whom was Juan Gonzales, remained at Zuñi. A house was bought for religious purposes at Hawikuh, which became the first mission established in the Zuñi country. Possibly the Hawikuh church, the walls of which are still traceable, was built by these missionaries, and they may also have erected the church the ruins of which still stand at Ketchipauan, on a mesa southeast of Ojo Caliente, as well as the one which formerly existed at Halona. These three missionaries disappear from Zuñi history before 1632. They were succeeded by Fr. Francisco Letrado, who arrived in New Mexico in 1629 and was first assigned to the Jumanos east of the Rio Grande.
- 1632, February 22. The Zuñis killed Fr. Francisco Letrado at Hawikuh and fled to Toaiyalone, where they remained about three years.

- 1632, February 27. Some Zuñis, having followed Fr. Martin de Arvide, murdered him and his escort of two soldiers on their way from the Zuñi villages to a tribe called Cipias, or Zipias, who lived toward the west.
- 1632, March 23. The maestro de campo, Tomás de Albizu, was at El Morro on his way to Zuñi with some priests and a small detachment, to reduce the Zuñi stronghold. They were admitted to the summit of the mesa, and the Zuñis promised to be peaceful thenceforth.
1635. Some of the Zuñis left the mesa and began the resettlement of their villages in the valley.
1636. No missionaries at Zuñi because the governor at Santa Fé refused an escort. There appears on El Morro the inscription: "We pass by here, the lieutenant-colonel and the captain Juan de Archuleta, and the lieutenant Diego Martin Barba, and the ensign Augustin de Ynojos, in the year of 1636."
1643. Missionaries were probably again established at Zuñi about this time.
- 1670, October 7. The Apaches (or Navajos) raided Hawikuh, killing the Zuñi missionary, Fr. Pedro de Avila y Ayala, by beating out his brains with a bell while he was clinging to a cross. The priest at Halona, Fr. Juan Galdo, recovered Fr. Pedro's remains and interred them at Halona. The mission of La Concepcion de Hawikuh was henceforth abandoned, but the pueblo was occupied by the Indians for a few years.
- 1680, August 10. A general revolt of the pueblos against Spanish authority took place. The Zuñis murdered their missionary, Fr. Juan de Bal, of the mission pueblo of La Purificacion de la Virgen de Alona (Halona), burned the church, and fled to Toaiyalone, where they remained for more than twelve years. At the time of this rebellion the Zuñis, who numbered 2,500, occupied, in addition to Halona, the villages of Kiakima, Matsaki, and Hawikuh. Two villages (Canabi and Aquinsa) had therefore been abandoned between Oñate's time (1598) and the pueblo revolt (1680).
- 1692, November 11. The Zuñis were found on the mesa by Diego de Vargas Zapata Lujan Ponce de Leon, to whom they submitted, and about 300 children were baptized.
- 1693, April 15. Vargas consulted with a Zuñi chief at San Felipe with a view to transferring the pueblo of Zuñi to the Rio Grande, but no definite action was taken.
- 1696, June 29. An expedition was sent by the Spaniards against the Jemez and their allies from the Navaho, Zuñi and Acoma tribes. The Indians were defeated, and the Zuñis returned home frightened.
- 1699, July 12. The pueblo of La Purisima de Zuñi (evidently the present Zuñi village, which meanwhile had been built on the ruins of Halona) was visited by the governor, Pedro Rodriguez Cubero, to whom the inhabitants renewed their allegiance.
- 1700, June. Padre Juan Garaicochea was priest at Zuñi.
1702. In the spring the Hopis tried to incite the Zuñis and others to revolt. Captain Juan de Uribarri was sent to investigate, and left Captain Medina at Zuñi with a force of nineteen men as a garrison. This force was later reduced, those who were left treating the natives harshly.
1703. Padre Garaicochea, who was still missionary at Zuñi, complained to the governor at Santa Fé, and the Indians, receiving no redress, on March 4 killed three Spaniards who were exiles from Santa Fé and who had been living publicly with native women. Some of the Zuñis thereupon fled to the Hopis, others took refuge on Toaiyalone. Captain Roque Madrid was sent to Zuñi to bring away the friar, leaving Zuñi without a missionary.
- 1703, November (?). Padre Garaicochea urged the re-establishment of the Zuñi mission, but no action was taken.
- 1705, March-April. Padre Garaicochea returned to Zuñi as missionary early in the year; he induced the Indians to come down from Toaiyalone, where they had been since 1703, and again settle on the plains. On April 6 they renewed their allegiance to Captain Roque Madrid.
- 1705, September. The Spaniards found a knotted cord, probably a quipu (calendar string), which reminded them of the days of 1680, when a similar device was employed to notify the revolutionists and to fix the day of the rebellion.
- 1706, April-May. The Hopis had been raiding the Zuñis, who were now baptized Christians; therefore Captain Gutierrez was sent with eight men for their protection. The Zuñis made an expedition against the Hopis in May, killing

- two and recovering seventy animals. Later the Zuñis aroused suspicion by asking that the garrison be removed from their pueblo. Fr. Antonio Miranda, now resident missionary at Acoma, occasionally ministered to the Zuñis.
1707. Governor Jose Chacon Medina Salazar y Villaseñor, Marquis de la Peñuela, sent an embassy of Zuñis to the Hopis to exhort them to peace and submission, but refugee Tanos and Tewas, who lived among the Hopis, responded by making a raid on Zuñi. At this time Fr. Francisco de Irazábal was missionary at "Alona," indicating that the old name was still sometimes applied to the new pueblo.
- 1709, June 5. The following inscription occurs on El Morro: "On the 5th day of the month of June of this year of 1709 passed by here, bound for Zuñi, Ramon Paez Hurtado." He was lieutenant-general of the province and acting governor in 1704-5. The expedition here noted was probably sent against the Navahos, who were hostile this year.
- 1713, May. Padre Irazábal reported that a Zuñi Indian attempted to instigate the Acomas and Lagunas to kill their missionary, Fr. Carlos Delgado.
- 1713, December. Two Zuñis were granted permission to visit the Hopis, who expressed eagerness for peace and alliance with the Zuñis, but not with the Spaniards.
- 1716, August 26. The governor, Don Feliz Martinez, carved his inscription on El Morro on his way to conquer the Hopis, by way of Zuñi. The custodian, Fr. Antonio Camargo, and the alcalde of Santa Fé accompanied him. Native commissioners were sent forward from Zuñi, which was still called Alona.
- 1726, February. The ensign, Don Jose de Payba Basconzelos, visited Zuñi, leaving his inscription on El Morro, dated February 18 of this year.
- 1736-1738. General Juan Paez Hurtado (son of Ramon), official inspector, visited the pueblo in 1736; Bishop Elizacochea of Durango visited the pueblo in September, 1737, and Governor Enrique de Olavide y Michelena in 1738.
- 1744-1748. Zuñi is reported by one authority as having a population of 150 families, and by another 2,000 souls. It had two priests, one of whom was Padre (Juan José?) Toledo.
1760. Bishop Tamaron reported the population of Zuñi to be 664, but this number is smaller by nearly 1,000 than that reported by Ilzarbe in 1788.
- 1774-1778. Fr. Silvestre Velez Escalante was missionary at Zuñi.
- 1779-1780. Fr. Andrés Garcia was missionary at Zuñi.
1788. Fr. Rafael Benavides was missionary at Zuñi, also Fr. Manuel Vega. Ilzarbe reports the population to be 1,617.
1792. Fr. Daniel Martinez was missionary at Zuñi before this date.
1793. Revilla Gigedo reports the population at 1,935.
- 1798-99. The population of Zuñi is reported at 2,716. (In 1820-21 it had apparently dwindled to 1,597.)

#### LEGAL AND POLITICAL STATUS.

The legal and political status of the pueblo Indians has been ground for misapprehension throughout New Mexico as well as in other portions of the United States. Rather naturally all peoples who are known as Indians are assigned to one general class, so far as their relations with the government and the dominant race are concerned. Even this history, for obvious reasons, has devoted special chapters to the Indian races, and in many ways considered them apart from the Spanish and American people. But a very important distinction is to be drawn between the Indians of the pueblo and those of the plains and mountains, between the sedentary and the nomadic Indians, between those who founded the adobe cities and the restless hunters and warriors of the Apache and Navajo tribes.

The various aspects of the political and legal condition of the pueblo tribes are thoroughly discussed in the following abstracts from two notable decisions of the supreme court of New Mexico. The first, which was ren-

dered in 1869, was in the case of the United States vs. Jose Juan Lucero, of Santa Ana county, the petition charging Lucero with having entered lands belonging to the Indians of the pueblo of Cochiti. The decision was founded on the intercourse act of June 30, 1834. The supreme court of New Mexico found that this act, passed when there were no pueblo Indians upon United States territory, referred to the wild tribes of Indians then roaming throughout the western country, given to murder, robbery and theft, living on the game of the mountains, the forest and the plains, unaccustomed to the cultivation of the soil, and unwilling to follow the pursuits of civilized man. The idea that a handful of wild, half-naked, thieving, plundering, murdering savages should be dignified with the sovereign attributes of nations, enter into solemn treaties, and claim a country five hundred miles wide by one thousand miles long as theirs in fee simple, because they hunted buffalo and antelope over it, might do for beautiful reading in Cooper's novels or Longfellow's "Hiawatha," but is unsuited to the intelligence and justice of this age, or the natural rights of mankind.

The theory that the Spanish adventurers, de Vaca, Castillo, Dorantes, Estefano and others, found the pueblo Indians of New Mexico a wild, savage and barbarous race; that they conquered them and reduced them to subjection, placed them in villages and taught them the arts of civilized life, is an unadulterated fiction, and contradicted by the uniform history of the Spanish explorers for over two hundred years. The fact is that they found these Indians, on their advent into New Mexico, a peaceful, quiet and industrious people, residing in villages for their protection against the wild Indians, and living by the cultivation of the soil. In the Spanish narratives these villages are deserted, the habits and pursuits of the inhabitants delineated, and many ancient places are accurately described. That the Spanish placed them under subjection, treated them with cruelty, but planted among them the Catholic religion and an improved civilization, is true; but on account of their civilization and peaceful condition they found them easy victims of their cupidity and despotic rule. This domineering continued until 1680, when the pueblo Indians rebelled against their Spanish masters, and expelled them all from New Mexico. It was not until 1693 that the Spaniards obtained sufficient force to conquer, subdue and chastise them. In 1689 (to follow the court's decision) Spain had executed to the various pueblos of New Mexico their titles to their lands, in written agreements. Upon the establishment of the independence of Mexico from old Spain, these titles continued to be respected, and the government of the United States, in the treaty of Guadalupe Hidalgo, pledged her faith as a nation to maintain and respect them. When the Republic of Mexico was compelled by the chances of unsuccessful war to part with a portion of her territory and people, she threw around them by treaty all the safeguards to their civil, religious and political rights arising out of honor among men and faith among nations.

Properly to understand this question it should be known that after the conquest of the City of Mexico by Cortez in 1521, the Spanish viceroys in Mexico assumed and exercised all the privileges of royalty. In everything but in name they were despotic sovereigns. Their rule was partial and unjust. The few favorites of the Spanish crown held all the offices in church and state, and considered the great body of Mexican people—

equally honest and more industrious than themselves—servants and peons. The Indians and Mexicans rebelled against such tyranny, and under the leadership of Iturbide struck for and obtained independence. The Indians rendered easy the overthrow of the unjust rule of the viceroys of Spain, and established the empire under Iturbide.

Inasmuch as there is no law of the Republic of Mexico taking away the right of citizenship with which the Indian race was invested as far back as February 24, 1821, the conclusion is inevitable that they were in fact Mexican citizens at the date of the treaty of Guadalupe Hidalgo. Following this convention, under authority of Congress, the surveyor-general of New Mexico examined and reported upon the titles of the pueblos of New Mexico. He found twenty-one pueblos in all, with an aggregate population of about 8,000 persons, and reported the titles of seventeen pueblos for confirmation as *bona fide* titles. December 22, 1858, Congress confirmed these titles. For years before it had made an appropriation of ten thousand dollars "for the expenses of making presents of agricultural implements and farming utensils" to these people.

In subsequent legislation by Congress the pueblos of Tecolote, Chilili and Belen are referred to as "towns," not pueblos. It is also a noteworthy fact that while numerous treaties have been made with wild tribes of Indians in New Mexico, none has been entered into between the United States government and the pueblo Indians. No person has ever been authorized (i. e., previous to this decision, 1869) by Congress to be appointed agent for the pueblo Indians, nor has any person ever been commissioned agent for them; and the designation of an agent for the pueblos by the Indian department is without any authority of Congress or the decision of any judicial tribunal authorized to pass upon the question.

Let us look very briefly at the history of territorial legislation with regard to the pueblo Indians. In December, 1847, the first legislature of the Territory, convened by order of General Kearny, passed an act providing that pueblo Indians should be created and constituted "bodies politic and corporate," that they may "sue and be sued, plead and be impleaded, bring and defend in any court of law or equity all such actions, pleas and matters whatsoever," etc., and "resist any encroachment, claim or trespass made upon such lands, tenements or hereditaments belonging to said inhabitants, or any individual." On January 10, 1853, a law was passed prohibiting the sale of liquor to Indians, with a proviso "that the pueblo Indians that live among us are not included in the word Indian." February 16, 1854, the legislature of New Mexico passed an act providing that the pueblo Indians, "for the present, and until they shall be declared by the Congress of the United States to have the right, are excluded from the privilege of voting at the popular elections of the Territory, except in the elections for overseers of ditches to which they belong and in the elections proper to their own pueblos." As this act has never been disproved by Congress, nor passed upon by the supreme court of the United States, it remains in force in New Mexico, depriving the pueblo Indians of the franchise.

By the provision of the convention of Guadalupe Hidalgo there was conferred upon the Mexicans established in New Mexico the right to retain the title and rights of Mexican citizens, or acquire those of citizens of the United States, and the election was required to be made within one



year after the exchange of ratifications of that treaty. Colonel Washington made proclamation requiring the people to elect by signing a declaration before the clerk of the courts in the various districts, if they wished to retain the title and rights of Mexican citizens. In that list the name of not a single pueblo Indian is found, and hence these people became full-fledged citizens of the United States.

In handing down a remarkable decision in a case involving the questions immediately under discussion, the supreme court of New Mexico, in 1869, says: "This court \* \* \* does not consider it proper to assent to the withdrawal of eight thousand citizens of New Mexico from the operation of the laws made to secure and maintain them in their liberty and property, and consign their liberty and property to a system of laws and trade made for wandering savages and administered by the agents of the Indian department. If such a destiny is in store for a large number of the most law-abiding, sober and industrious people of New Mexico, it must be the result of the direct legislation of Congress or the mandate of the supreme court. \* \* \* This court has known the conduct and habits of these Indians for eighteen or twenty years, and we say, without the fear of successful contradiction, that you may pick out one thousand of the best Americans in New Mexico, and one thousand of the best Mexicans in New Mexico, and one thousand of the worst pueblo Indians, and there will be found less, vastly less, murder, robbery, theft, or other crimes than among the thousand of the best Mexicans or Americans in New Mexico. \* \* \* A law made for wild, wandering savages, to be extended over a people living for three centuries in fenced abodes and cultivating the soil for the maintenance of themselves and families, and giving an example of virtue, honesty and industry to their more civilized neighbors, in this enlightened age of progress and proper understanding of the civil rights of man, is considered by this court as wholly inapplicable to the pueblo Indians of New Mexico."

A much more recent case, primarily concerned with the taxability of pueblo lands, but involving a discussion of the general status of the pueblo Indians, was that of the Territory of New Mexico vs. Person, etc., in the delinquent tax list of Bernalillo county for 1899. The opinion, from which the following facts are condensed, was rendered March 3, 1904.

June 4, 1900, a suit for the collection of taxes which were delinquent for the first half of the year 1899 was begun. The suit covered lands included in a grant which is the property of pueblo Indians in Bernalillo county. The single question presented was as to whether the lands of pueblo Indians are taxable. When the earliest Spanish explorers entered the Territory now embraced within the limits of New Mexico these Indians were found to be a peaceful, industrious and civilized people, living in pueblos and following agricultural and pastoral pursuits. In 1689, and

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(NOTE.—The proclamation issued by Colonel John M. Washington, acting governor of the Territory, April 21, 1848, was not necessary to enable Mexican residents of the Territory to elect to remain Mexican citizens; but in the absence of any such proclamation, a formal declaration of an intention to retain such citizenship, made before a court having a record and a clerk to keep the same, would have been sufficient. So says decision Supreme Court, New Mexico, 1859. But he had competent authority, as the executive head of the *de facto* government then existing in the Territory, to issue such proclamation.)

within a few years subsequent, the Spanish government granted them their lands. So long as they remained under the Spanish rule, certain restrictions were placed upon the alienation of their property. As late as March 13, 1811, they were exempt from taxation. They seem to have been considered by the Spanish as wards of the government, and entitled to special privileges and protection. But a complete change in the status of these people took place when Mexico threw off the Spanish yoke. These Aztecs then far outnumbered the Mexicans, and it was but natural that in the formation of a new government they should take a prominent part and be placed upon an equal footing as to all civil and political rights.

Therefore we find that the revolutionary government of New Mexico, on February 24, 1821, a short time before the subversion of Spanish power, adopted what is known as the "Plan of Iguala" (Iguala was the headquarters of the army of the revolution), which declared that all the inhabitants of New Spain, without distinction, whether Europeans, Africans or Indians, are citizens of this monarchy, with the right to be employed in any post, according to their merit and virtues, "and that the person and property of every citizen shall be respected and protected by the government." The same principles were reaffirmed in the treaty of Cordova, August 24, 1821, and in the Declaration of Independence October 6, 1821. The Mexican Congress thereafter followed with at least four acts, in each of which the "Plan of Iguala" was uniformly considered as a fixed principle of Mexican law. One of the most important of these acts was passed August 18, 1824, only twenty-four years before the treaty of Guadalupe Hidalgo, whereby the United States acquired this Territory and these people. How far-reaching in its consequence this policy and practice has been may be made more apparent when we recall the fact that Maximilian's defeat by the Mexican troops was accomplished under the leadership of General Juarez, a full-blooded Aztec Indian, and that Porfirio Diaz, who for about a quarter of a century has governed the Republic of Mexico as its president, is an illustrious specimen of this Aztec race.

It must be understood, then, that at the date of the treaty of Guadalupe Hidalgo there came to us a people possessed of all the powers, privileges and immunities of any other citizens of Mexico. This fact necessarily carried with it the right to take, hold and dispose of their property, a right which has never been directly passed upon by the supreme court of the United States. There is, therefore, no doubt that these Indians possess the right of alienation of property. If so, it follows that their property is subject to taxation.

It has been urged that these people are wards of the government, and therefore entitled to exemption from the burden of taxation. While it is true that Congress has, from time to time, legislated concerning these Indians, and there have been appointed agents and special attorneys for them, Congress has never assumed to reduce them to a state of tutelage, and no act of the government has ever contemplated a change in their status. The federal government has never assumed to take control of their property; but, on the other hand, it has quit-claimed to them and issued its patent for all their lands. The furnishing of agents and attorneys has been a mere gratuity on the part of the government.

The supreme court of the United States, in deciding an appeal in an action against Antonio Joseph of Ojo Caliente, seeking to compel him to

leave a pueblo Indian grant he occupied, said: "The pueblo Indians \* \* \* hold their lands by right superior to the United States. Their title dates back to grants made by the government of Spain before the Mexican revolution—a title which was fully recognized by the Mexican government, and protected by it in the treaty of Guadalupe Hidalgo, by which this country and the allegiance of its inhabitants were transferred to the United States. \* \* \* It is unnecessary to waste words to prove that this was a recognition of the title previously held by these people, and a disclaimer by the government of any right of present or future interference, except such as would be exercised in the case of a person holding a competence and perfect in his individual right."

For more than fifty years succeeding the American occupation and control of New Mexican territory the lands of these pueblo Indians escaped taxation. Down to the year 1854, when the legislature passed an act depriving them of the privilege of voting, except for the election of overseers of agencies and elections proper to their own pueblos, they were generally regarded by the people of the Territory as citizens and as possessed of all the rights of the same. They participated in elections, and held office in Peña Blanca and other places in the Territory. They sat as grand and petit jurors in at least one term of court in Bernalillo county. Through the efforts of John Ward, one of the early agents appointed for them, a tacit agreement was reached between them and the people of the counties where they resided, to the effect that so long as they refrained from voting they should not be taxed. They thus drifted out of the political life of the Territory. Nevertheless, the highest court of New Mexico has declared that such an agreement, if made, has no binding force, "either upon the Indians or the Territory." The court also held that these Indians are citizens of New Mexico and of the United States, hold their lands with full power of alienation, and are, as such, subject to taxation.

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The United States government, recognizing the desirability of protecting the pueblo Indians of New Mexico in the courts, their status having remained somewhat indefinite, in spite of the stipulations of the treaty of Guadalupe Hidalgo conferring upon them full rights of citizenship, in 1898 appointed George Hill Howard as their attorney. He was succeeded by William H. Pope, and the latter by ex-Judge A. J. Abbott, their present attorney. The conditions leading to the appointment of attorneys for these Indians were anomalous. The lands occupied by them were not simply reservations, but had been patented to them, as to other citizens. Hence there arose the necessity for defense in case of trespass or occupation of their lands by others—an imposition practiced upon them by the native people with frequency. The patents had been issued in 1863, under congressional acts, in accordance with our treaty with Mexico. The pueblo attorneys therefore regard the Indians as citizens of the United States, and each pueblo is a corporation, by act of the Territorial legislature.

The questions of the taxation of the pueblo Indians and the sale of intoxicating liquors to them have been two of the most important which their attorneys have been called upon to carry into the courts. The supreme court of New Mexico has decided that pueblo Indians are citizens of the

United States, and therefore citizens of the Territory; and the same court has also decided that their lands are taxable. Subsequent to these decisions, however, Congress has passed an act exempting their property, real and personal, from taxation. They may sue and be sued like any other citizens; but by an act of the legislature of the Territory, passed in 1852, they are denied the privilege of voting at general elections.

A number of interesting suits at law to which these Indians have been parties, in addition to those already mentioned, have occurred. In 1904, Juan Rey Abeyta, an inhabitant of the Isleta pueblo, brought suit against the local authorities of that pueblo for damages for false imprisonment, because the plaintiff did not recognize the power of the pueblo to imprison him for violation of the rules of the pueblo. He and three or four others had rented property to one not an inhabitant of the pueblo, in violation of the rules for the government of the pueblo, and were cast into the local jail. The case was taken before the district judge on a writ of habeas corpus and the plaintiff was released from jail, after having remained in confinement four days. He sued the pueblo, as a corporation, for five thousand dollars damages, and was awarded a verdict of two hundred dollars, although it was shown that he admitted having violated the rules of the pueblo in renting his land as noted. The Indians of the various pueblos are, as a rule, very loyal to their ancient customs and obedient to their local rules of government, and Juan Rey Abeyta, like others who have defied public sentiment, has been ostracized by his fellows. Though few cases of this character come before the courts of the Territory, there have been not a few cases of violation of the pueblo rules, and in every case the least punishment that can be expected is complete ostracism.

Hon A. J. Abbott, who has been attorney for the pueblo Indians since 1902, was born in Ohio. He was admitted to the bar in Kansas, where he began the practice of his profession, and where for nine years he occupied the bench in the twenty-seventh judicial district, with headquarters at Garden City. He afterward located in Trinidad, where he continued in practice for six years. In 1901 he removed to Santa Fé, and when Hon. W. H. Pope was appointed to the bench in the Philippine Islands, Judge Abbott was named to succeed him. He compiled the eleventh and twelfth New Mexico reports, and has become known as a practitioner of rare ability and unimpeachable integrity. His son, E. C. Abbott, is district attorney for the first judicial district of the Territory, and assistant attorney general.

#### APACHES.

Of the hostile Indians those who have furnished the most trouble in the period since the Civil war were the Apaches. Many of the Apache raids, however, were incursions by Indians whose proper limits were in the Territory of Arizona. The northern part of New Mexico, outside of the Navajo country, was occupied mainly by the Jicarilla branch of this tribe. The Utes or Utahs also occupied this region conjointly, being related by blood and of much the same disposition. In the early years of the Territory they were an element of danger and injury, being very prone to steal and commit even worse depredations. The first treaty with them was made by Governor Calhoun in 1851. But owing to the failure of the govern-

ment to distribute them goods, they went on the war path in 1854 and were not reduced until after several pitched battles, in which a number of soldiers lost their lives. During the war they sympathized with the Union cause, and in general remained friendly, although their turbulent nature caused many brawls and individual crimes.

The number of the Jicarillas was between 750 and 1,000, while the Utes were about twice the number. Their agencies were located at Cimarron, east of the Río Grande, and at Abiquiu, and later at Tierra Amarilla on the west. During the latter sixties efforts were made to remove the Utes from the Territory. A treaty was made to that effect in 1868, but the Utes refused to go, and nothing was accomplished except the moving of the agency to Tierra Amarilla. Another treaty was made in 1873, but it was not until 1878 that the authorities succeeded in removing the Utes to their new reservation in Colorado, with which removal they disappear as a tribe from New Mexican history.

The Jicarillas have likewise had a checkered history. It was once proposed to move them to Bosque Redondo, but they objected. They claimed ownership in the Maxwell ranch, and when it was sold there was considerable difficulty in satisfying them. The Cimarron agency was abolished in 1872, and an effort made to remove these Indians to Fort Stanton or Tularosa. Instead most of them were permitted to go to Tierra Amarilla. On the departure of the Utes in 1878, another attempt was made to place them at Fort Stanton, but only a few went there. In July, 1880, a new reservation was created on the Río Navajo, in Río Arriba county, where the Indians lived until 1883, when they were transferred to Fort Stanton. They were never content with their Fort Stanton home, and it was only a few years when the authorities were convinced that the former reservation was a better place for them, and they were accordingly returned and have since lived there. A recent census shows the population to be 774. The Indians were proved to be gradually approaching a self-supporting condition.

The Apache Indians of the southern portion of the Territory are for the greater part the Mescalero tribe, although the Mimbres and Mogollons furnished much trouble in earlier days. Some of the Gila River bands were collected at Fort Webster in 1853, but as soon as supplies ceased to be given regularly or satisfactorily no restraint could be exercised over them. The Mescaleros began giving trouble about the same time, and were not subdued until March, 1855, from which time an agency was maintained for them at Fort Stanton. All restraint was removed on the outbreak of the Civil war and the abandonment of Fort Stanton, but after the defeat and withdrawal of the Confederate forces and General Carleton and Kit Carson waged an effectual campaign, some 400 of the Mescaleros were brought together at Fort Sumner or Bosque Redondo. Here they were stationed until 1866, when they quarreled with the Navajoes and left the reservation. Some 300 were united at Fort Stanton in 1871, and the number increased to about 800. This has since remained the Mescalero or Fort Stanton Apache reservation, where the Jicarillas also lived during a few years in the eighties.

The Mimbres and Mogollons were generally identified with Arizona, where the most destructive raids of the later period originated. There were about 1800 of these southern Apaches, and in the early seventies

a reservation was selected for them at Tularosa, on which less than a third of the number were confined. A reservation was set off at Ojo Caliente in 1874, and the Indians lived in comparative quiet until the reservation was abolished, in 1877, in order to concentrate the different bands, most of those on the reservation being transferred forcibly to San Carlos, Arizona. This was the cause of the most serious Indian hostilities of modern times, and southern New Mexico was an Indian battle ground until 1882. Victorio, Nane, Loco, Chato and Geronimo were the chiefs whose names became synonymous with ruthless warfare and savage cruelty.

The report of John A. Carroll, superintendent of the Mescalero Indian agency, for 1903, showed the population of that tribe to be 439. The Indians were shown to cultivate a large acreage to the general agricultural crops, to raise considerable numbers of live stock, and to be in an economic condition of greater stability than seems possible to a tribe removed only a few years from roaming and hostile savagery. Yet it was also stated that much destitution was found among these Indians, and that the school attendance of the entire scholastic population was explained by the provision made for food and care afforded by the schools. One paragraph may be quoted entire: "The report that a number of Mescalero Apache—a remnant of Victorio's band—were living in the Republic of Mexico, allusion to which was made in the annual report for 1902, was investigated and verified, although the actual number was found to be 37 instead of 107. Three members of the tribe were permitted to visit the Republic last year with a view to obtaining information as to the location, general condition, and pursuits of their relatives. They found them occupying a narrow canyon in the Guadalupe Mountains, about 20 miles east of Zaragoza, a station on the Mexican Central Railroad. They were in wretched circumstances, having to depend almost entirely on game and herbs and the sale of curios. They were anxious to remove to this reservation, and requested their friends to convey such a message to this office. Accordingly the facts were presented in letter of May 25 last, with the recommendation that measures be instituted to effect the return of the wanderers. This recommendation failed to meet with approval of the office and the status of the unfortunate must remain unchanged. Although the incident is considered closed, it must be refreshing to the office to know that, while members of other tribes in the United States are seeking to dispose of their lands and personal property and to remove to Mexico, others who have lived in that Republic for years are ready to emigrate and swear allegiance to the United States."

There were many casualties during the Indian outbreaks from 1878 on, and the southern portion of the Territory was a battlefield on which many a brave fellow lost his life and others had their courage and fighting ability tested to the full extent. When Victorio first left the reservation, in 1878, after killing six of Captain Hooker's men at the Hot Springs, in Sierra county, Joe Yankie and Nicholas Galles gathered a company and fought the renegades at McEwers' ranch (now Lake Valley). The whites, whose number at first was 34, lost fourteen men killed, the loss being much greater for the Indians. The latter were armed with government carbines, while the whites had mostly light Winchesters.

In December, 1879, J. B. McPhearson and a party of five others who

made their homes in Sierra county, learning that Victorio had gone on the warpath, started out to meet a small detachment of the Apaches who were headed toward the white settlements in that locality. They succeeded in killing one Indian, wounding another and capturing all the horses of the marauding party without loss to themselves. On August 21, 1881, a troop of forty soldiers, accompanied by an equal number of citizens under the leadership of Mr. McPhearson, met a body of about 90 Apaches in Gavalon canyon, where a desperate fight occurred. Lieutenant Smith, George W. Daly, manager of the Lake Valley Mining Company, and five of the soldiers, were killed, and four others died later of their wounds. The battle continued all day. The Indians captured all the horses and equipment of the attacking party and probably would have exterminated the whites had not a fresh body of troops come to their relief about nightfall.

An incident which created intense excitement throughout the western part of the Territory in the spring of 1880 was the murder of James C. Cooney and a number of other miners by a band of Apache Indians under Chief Victorio. Mr. Cooney had been quartermaster sergeant in the Eighth United States Cavalry, and while performing scouting duty in the Mogollon mountains in western New Mexico discovered silver. After his discharge from the army he organized the Cooney mining district and began the development of extensive properties in Socorro county. His brother, Captain Michael Cooney, hewed from the solid rock, near the scene of the murder, a sepulcher for the body. The door is sealed with cement and ores from the mines, and in these ores has been wrought the design of a cross. His friends among the miners also hewed a cross of porphyry which was placed upon the summit of the rock tomb.

January 18, 1881, a body of Apaches under Chief Nana suddenly descended upon the little town of Chloride, killed two men named McDaniels and Overton, seriously wounded another named Patrick, stole many horses and cattle and fled before a show of defense could be made.

It was in the latter part of March (March 26th), 1883, while the Apaches were on the warpath in Grant county, that Judge H. C. McComas and wife and child were killed near Thompson's canyon on the stage road to Lordsburg. The Judge, who was a leading lawyer of Silver City, had left home to drive across the country on a visit to his son at Pyramid City. Overtaken by Indians, he made a running fight, but was slain before he could escape, and his wife and five-year-old child met the same fate. The bodies were found a short time afterward by John A. Moore, deputy county assessor. Judge McComas was a native of Virginia, and came to Silver City in 1880. His wife was a sister of Eugene Ware, expansion commissioner.

A party of Indians under Geronimo, numbering 134, according to military authorities, left the San Carlos reservation May 18, 1885, and came within three miles of Silver City, killing 26 persons on the raid and wounding others. Those known to have been killed were: James Montgomery, on the Little Blue; Robert Benton, on the Big Blue; Nat Luse, Peter Anderson, and Robert Smith, at Alma; ——— Smith, on the Little Blue; two brothers Lutton, on Middle Blue; Calvin Orwig, E. W. Lyons, at Alma; John Madden, ——— Bunting, ——— Green, and a young fellow named Prather. Soldiers and citizens took up the pursuit, and a

few days later Captain (afterward General) Lawton and his command engaged in a fight in Guadalupe canyon, in which several soldiers were killed. In September following Brady Pollick, cattleman, was killed by Apaches seven miles from Lake Valley. About the same time George Horn and a son of John McKim were added to the victims. Other victims were: September 29, A. L. Sabourne, merchant of Cooney City; November, Charles Moore and William McKay, near Lake Valley; November, John T. Shy, cattleman, and family, and Andrew J. Yeater and wife, near Cold Springs; George C. Hay and Jacob Halling, at Lake Valley; December, George Kinney, a freighter, at Cactus Flat, on the Mogollon road, also Charles Clark; ——— Lilly, ——— Prior and Ethel Harris, near Alma; in the same vicinity, Surgeon T. D. Maddox, U. S. A., and four privates killed. Names of others slain were Waldo, Williams, May, Wright, Papi-naw, Grudgings, Polland. On December 23d a telegram went to President Cleveland from citizens of Socorro asking for efficient protection, and on January 6, 1886, the stockmen and other citizens met at Socorro and offered a reward of \$250 for each Indian scalp. On the following March 25th Geronimo's band was captured in the state of Sonora, Mexico, and two days later was surrendered to General Crook. On March 29th he escaped with 25 of his bucks and sought refuge in old Mexico.



## THE NAVAJOS AND THEIR BLANKETS.

New Mexico is famous as the home of the Navajo Indian and his blanket. As the native emerges from the condition which characterized his ancestors to that more nearly approaching modern civilization, interest in all that relates to him naturally increases. The greatest popular interest centers about the blanket produced by the Navajos, the basketry of the Apaches, Navajos and other tribes, and the pottery made by nearly all the tribes and families of the originally nomadic Indians and those designated as pueblos. Basketry covers a wide range of territory, the various tribes manufacturing an almost endless variety of forms and patterns. But the blankets made by the Navajos have a peculiar interest and attraction to those who become familiar with their remarkable qualities and most interesting history. These blankets are, in fact, unique among the handiwork of the red men. For as they are made by the one tribe only and possess characteristics that no others attempt to imitate, they doubtless attract more widespread interest than any other article of Indian craft.

The Navajo was among the last of the Indian tribes to abandon the warpath; but when once conquered he was the first to become self-supporting. The Navajos are descended from an Athabascan family, which formerly occupied a large portion of British America. The name was derived from the Spanish "Navajoa," applied to a section of country in the valleys of the San Juan and Little Colorado rivers; and the Spaniards originally called the Indians occupying that region "Apaches de Navajoa." But the Navajos call themselves Tinnai or Tinneh, which, translated, means "the people." When they first occupied their present domain is not known. They have many legends as to their origin. One is that they crossed a narrow sea beyond the setting sun and landed in the Puget Sound country. There they fared so wretchedly among unfriendly tribes that the Great Spirit, after repeated invocations, sent them a great stone ship, upon which they were carried through the air to their present habitation. They point to the sacred "ship rock" about 30 miles west from Farmington as proof of this story. Another legend is that the progenitors of the present tribe were brought from the far north on the back of a great bird. Another is that they were cast up from the bowels of the earth. Regardless of the means employed for their emigration, all tradition points to the far north as the original home of the tribe.

The Navajos say that the Apaches were once of the same tribe, but that generations ago some became renegades and outlaws and finally founded a new nation.

The attempts on the part of the Spanish authorities in the eighteenth century to collect the Navajos about a mission and place them on the same basis as the pueblo Indians have been narrated in other pages. Such undertakings were unsuccessful, and under the three successive regimes of

Spanish, Mexican and American governments the Navajos were known as hostile Indians, from whom depredations might be expected on slight provocations.

In 1862 the United States government established an agency and military post in the Navajo country, locating it just west of the boundary line between New Mexico and Arizona and naming it Fort Defiance. For years the marauding expeditions of these savages had terrorized the country. The chief cause which sent the Indians on the warpath is said to have lain in the following incident: Early one morning a Navajo came to the door of a kitchen at Fort Defiance and asked for a drink of water. The cook, whether by accident or design, threw a pan of dirty water in the Indian's face, whereupon the latter drew an arrow and killed the cook. A guard near by, witnessing the incident, and believing it to have been an unprovoked murder, killed the Indian. Instantly the Indians in the vicinity of the fort rushed to arms, and within a very brief time the entire tribe were on the warpath. General Canby, assisted by such well-known Indian fighters as General Carleton and Kit Carson, took the field and waged a vigorous and relentless campaign against the Navajos. Wherever the sheep and horses of the Indians could be found they were either confiscated for the use of the government or killed. Their peach orchards were cut down, their growing crops devastated, and the cavalry horses turned loose in their fields of grain.

So successfully was the campaign conducted that upon the expiration of two years the Navajos were prepared to lay down their arms and sue for peace. Singly and in small bands these warriors, many of whom were sadly emaciated as the result of starvation, came to the fort to accept the terms of peace or punishment that their conquerors might offer. For the first time in history they were willing to admit complete defeat. As soon as the entire tribe, with the possible exception of a few individual warriors, had surrendered, all were taken to the Bosque Redondo, in the Pecos valley near the present site of Fort Sumner, where a reservation had been set aside for them and a military post established. But on account of the radical difference in the climate the death rate among these people soon became alarming. During a visit of General William T. Sherman, who was on a tour of inspection, the Indians petitioned him that they might be returned to their former reservation. But Sherman refused to accede to their demands, probably upon the advice of well-known Indian fighters at the post. Then the young women of the tribe, attiring themselves in festival fashion, besieged the commander, promising that if the prayer of the tribe was granted they would so train their children that never again would the Navajos engage in warfare against the United States government. Their humiliation was complete. So deeply was Sherman impressed with the manner of the petition and the promises of reform and future good behavior, that he finally consented to recommend the return of the Indians to their old country, a recommendation that was promptly acted upon by the government.

The country of the Navajos is not adapted to agriculture; and as the climate demanded clothing in excess of the supply of skins of wild animals, which never have been very abundant, and some industry suited to their environment was necessary, the raising of sheep and the making of blankets proved a most welcome departure and saved them from the necessity

of migration to another country. Fortunately their land was adapted to grazing, and as their flocks increased they became better versed in the ways of the shepherd. Year by year their flocks grew in size until now the number on the Navajo reservation aggregates half a million. The gradual growth of this industry has greatly influenced their destiny, and they are now a peaceful pastoral people, nearly every family owning sheep and goats, the flesh of the latter being more generally used for food than the former. Not only are these people beyond want, but many of them are wealthy as the result of their operations in sheep.

The Navajos have a communal form of government. Their head chief is chosen by a popular election. With one exception none of these chiefs has become a historic figure in peace or war. The exception is Chief Manuelito, a shrewd, crafty and warlike Indian, who served as chief from 1850 to his death in 1894, at the age of seventy-three years.

The early Spanish invaders found very skillful metal workers among the Pueblo Indians, from whom the Navajos probably learned the art. But in spite of his better and permanent abode, the Pueblo is not so expert a silversmith as the Navajo, who is compelled to lead a more or less nomadic life by reason of the necessity for constant change of pasturage for his flocks. His equipment consists of a rude, temporary forge, charcoal, clay crucibles, clay or stone moulds, a blow pipe, tongs, files, emery paper, etc. For an anvil he uses the first piece of iron of sufficient size he can find. Their chief pride seems to be necklaces and belts of silver, which they make of Mexican dollars or bar silver procured from the nearest trader. So patient and adept are they that they frequently make a teaspoon from a silver dollar without melting or casting.

But blanket-weaving, chiefly by the women, is the principal industry of the tribe. As a barbaric art it has become a feature of great commercial importance. In spite of the fact that they are coming in close contact with the mercenary whites, the native characteristics of these people, aside from their earlier warlike traits, have suffered less by reason of this contact than most American Indians; and this accounts for the barbaric beauty of their blanket patterns and the harmony of brilliant colors they present.

Dr. Washington Matthews, for many years assistant surgeon in the United States army, located at Fort Wingate in the seventies and eighties, became recognized as one of the most eminent authorities on the traditions, manners and customs of the Navajo Indians, and especially on the Navajo blanket, his article on that subject forming a portion of the third annual report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution. (Report of 1881-2.) According to Dr. Matthews the art of weaving among the Navajos is of aboriginal origin, and while European art has undoubtedly modified it, the extent and nature of the foreign influence is easily traced. It is by no means certain, but there are many reasons for supposing that the Navajos learned their craft from the pueblo Indians after the advent of the Spaniards. But if that be the case, the pupils far excel their masters today in the beauty and quality of their work. It may safely be stated that with no native American tribe north of Mexico has the art of weaving been carried to greater perfection than among the Navajos.

The superiority of the Navajo to the pueblo work results not only from a constant advance of the weaver's art among the former, but from

a constant deterioration of it among the latter. The chief cause of this deterioration is that the pueblos find it more remunerative to buy, at least the finer *serapes*, from the Navajos, and give their time to other pursuits, than to manufacture for themselves; for they give more attention to agriculture and mining. In some pueblos the skill of the loom has been almost forgotten.

In prehistoric days the materials of textile fabrics made by the Navajos consisted of cotton, which grows well in New Mexico and Arizona, the fibers of yucca and other leaves, the hair of different quadrupeds and the down of birds. While some of the pueblos still weave cotton to a slight extent, the Navajos spin nothing but the wool of the domestic sheep, which animal is of Spanish introduction. In recent years they have introduced, at the behest of civilization, the weaving of blankets of Germantown yarn; but the latter product, it will instantly be seen, is not typical of the Indian. The wool is not washed until it is sheared. When the process was first studied by whites it was combed with hand cards purchased of American traders. In spinning, the simplest form of the spindle—a slender stick thrust through the centre of a round wooden disk—is employed. The Mexicans on the Rio Grande have used spinning wheels for generations; and although the Navajos have often seen these wheels, have had abundant opportunities for buying and stealing them, and undoubtedly possess sufficient ingenuity to make them, for some reason they seem still to prefer the rude implement of their ancestors. To a great extent they still employ their native dyes of yellow, black and a reddish brown. They probably at one time also had a native blue dye, but the introduction of indigo by the Spaniards or Mexicans superseded this. They now produce green by combining their native yellow and indigo. Ever since the introduction of sheep they have also had three different natural colors—white, gray, and a rusty black. The brilliant red figures in their finer blankets were formerly made entirely of bayeta—a bright scarlet cloth having a long nap, originally brought from Mexico, but now supplied to the Indians by traders. They ravel this and use the welt. In the history and description of basketry, found on other pages in this work, will be found a somewhat detailed outline of the manner in which the dyes used in the decoration of baskets were made; as the same dyes are used largely in blanket-making it will not be necessary to cover the ground here.

For the ordinary blanket loom two posts are set firmly in the ground. To these are lashed two cross-pieces or braces, completing the frame. A horizontal pole is attached to the upper brace by means of a rope, spirally applied. The upper beam, parallel with the latter, is analogous to the yarn beam of the looms used in the eastern and New England states by our own ancestors, and hangs about three inches below it, being attached thereto by a number of loops. A spiral cord wound around the yarn beam holds the upper border cord, which in turn secures the upper end of the warp. The lower beam is the equivalent of the cloth beam in the looms of civilization, although the finished web is never wound around it. The original distance between the two beams is the length of the blanket. A thin oaken stick is used as a batten. There is also a set of what civilized citizens would call healds, attached to a heald rod, which are made of yarn or cotton cord—alternate threads of the warp. The loom is a rough replica of that used by the thrifty housewife of the east in the manufacture of rag carpets, ex-

cepting the shifting attachment. There is no shuttle, strictly speaking. If the figure to be woven is a long stripe, the yarn is wound on a slender twig or splinter, or shoved through on the end of such a piece of wood. Where the pattern is intricate, the yarn is wound into small skeins or balls, or broken into short pieces, and shoved through with the finger.

In making a blanket the operator sits on the ground with her legs folded underneath her. The warp hangs vertically before her, and as a rule she weaves from below upward. As she never rises from this squatting posture when at work, when the finished web rises to an inconvenient height she simply loosens the spiral rope at the top of her loom and folds the loosened web, sewing the upper edge of the fold down tightly to the cloth beam.

As it is desirable, especially in handsome blankets of intricate pattern, to have both ends uniform, even if the figure be somewhat faulty in the centre, the majority of women weave a small portion of the upper end before they finish the middle. Some of the most expert depend upon a careful estimate of the length of each figure before they begin and weave continuously in one direction. Sometimes the loom is turned upside down and the work carried on from below upwards. The ends of the blankets are bordered with a stout three-ply string applied to the folds of the warp, and the lateral edges are similarly protected by stout cords applied to the weft.

Navajo blankets are single ply, with designs the same on both sides, no matter how elaborate those designs may be. To produce their variegated patterns they have a separate skein, shuttle or thread for each component of the pattern. The mechanism described is the simplest in use. In manufacturing diagonals, sashes, garters and hair-bands the mechanism is much more complicated. In making diagonals the warp is divided into four "sheds."

Navajo blankets represent a wide range in quality and finish and an endless variety in design, notwithstanding that all of their figures consist of straight lines and angles, no curves being used. "As illustrating the great fertility of this people in design," wrote Dr. Matthews, "I have to relate that in the finer blankets of intricate patterns out of thousands which I have examined, I do not remember to have ever seen two exactly alike. Among the coarse striped blankets there is great uniformity."

Dr. Matthews states that "the only marked difference that he ever observed between the mechanical appliances of the Navajo weaver and those of her pueblo neighbor was in the belt loom. The Zuni woman lays out her warp, not as a continuous thread around two beams, but as several disunited threads. She attaches one end of these to a fixed object, usually a rafter in her dwelling, and the other to the belt she wears around her body. The Zuni women weave all their long, narrow webs according to the same system; but Mr. Bandelier has informed me that the Indians of the pueblo of Cochiti make the narrow garters and hair-bands after the manner of the Zunis, and the broad belts after the manner of the Navajos."

For more than a century the Navajos have been disposing of their blankets to Mexicans and other Indian tribes. Many rare specimens may be obtained from the rural homes of the native New Mexicans and the community houses of the pueblos, and also from the tepees of the Utes and

Apaches. With rare exceptions the blankets now obtainable direct from the Navajos are of modern weave.

#### BASKETS.

New Mexico is celebrated for the variety and beauty of its Indian baskets. Until recent years comparatively little has been known regarding the history of basketry in this territory. The most authoritative publications dealing with this interesting feature of aboriginal and modern life in the southwest are the annual reports of the Board of Regents of the Smithsonian Institution and of the United States National Museum for the year ending June 30, 1902, containing an elaborate report of investigations into aboriginal American basketry by Prof. Otis Tufton Mason, Curator of the Division of Ethnology. It is from these invaluable and fascinating contributions to the ethnological literature of America that the following abstract has been drawn:

Basketry, says Prof. Mason, is the mother of all loom work and bead work. In form it varies through the following classes of objects:

- 1.—Flat mats or wallets, generally flexible.
- 2.—Plaques or food-plates, which are slightly concave.
- 3.—Bowls for mush and other foods and for ceremonial purposes, hemispherical in general outline.
- 4.—Pots for cooking, with cylindrical sides and rounded or flat bottoms. These vary into cones, truncated cones and trough-shaped baskets.
- 5.—Jars and fanciful shapes, in which the mouth is constricted, and now and then supplied with a cover. They are spindle-shaped, pyriform, napiform, and, indeed, imitate fruits known to the natives. The various kinds of woven basketry are divided by Prof. Mason as follows:

A.—Checkerwork: The warp and the weft having the same width, thickness and pliability.

B.—Diagonal or twilled basketry: Two or more weft strands over two or more warp strands.

C.—Wickerwork: Inflexible warp; slender, flexible weft.

D.—Wrapped weft, or single weft wrapped: The weft strand is wrapped, or makes a bight about the warp at each decussation, as in the Mohave *Kiho*.

E.—Twined or wattled basketry: Weft of two or more elements.

With a few exceptions the makers of baskets are women. But for ceremonial purposes Indian priests or medicine men are frequently the makers of their own basket drums, etc. It is a matter of profound regret that already over much of the United States the art of basketry has degenerated, or at least has been modified. In the manufacture of their baskets the Indians have ransacked the mineral, animal and vegetable kingdoms. But the chief dependence of the makers is upon the vegetable kingdom. Nearly all parts of the plants have been used—roots, stems, bark, leaves, fruits, seeds and gums. The small, straight, peeled branches of the amelan-chier palmeri, or serviceberry, are used by the Apaches of the White Mountain Indian reservation to form the uprights in their large carrying baskets. They also use the stems of the *Juncus balticus*, or common rush, or wire grass, for the manufacture of small children's baskets; the *Martynialonisiana*, or devil horns, more commonly known as the unicorn plant, which,

when moistened and split, are used extensively in the black patterns; the *pinus edulis*, or Arizona nut pine, commonly known as piñon, from which they procure pitch for their water baskets; the *rhys trilobata*, or three-leaf sumac, using the peeled branches for warp and the split branches for weft and sewing material; and the *salix lasiandra*, or willow, which is the most commonly employed. The Mescalero Apaches of southern New Mexico use the split leaves of the *yucca baccata*, or banana yucca, for the main portion of their baskets and its roots for the red patterns. They also use in the same way the leaves and roots of the *yucca macrocarpa*, which grows at lower elevations. The Zuñi Indians employ the willow. The Navajos use the three-leaf sumac most commonly.

After the harvesting of the materials, they are prepared by splitting and separating the desirable from the undesirable portions; removing the bark, taking the soft and spongy matter from the fibrous portion; making ribbon-like splints of uniform width and thickness; shredding, as in cedar bark; twisting, twining and braiding, when such work enters into the make-up of the basket; and gauging and coloring. The apparatus for this intermediate work must have been very simple in aboriginal times, a stone knife and shell for scraping supplementing the work of the fingers and the teeth. Nature furnished opportunities for diversity of color in the substances themselves. The Indian also knew how to change or modify the natural color of different materials by burying them in mud. The juices of the plants and the mineral substances in the mud combined to produce darker shades of the same color, or an entirely different one. The savage woman also knew that certain plants were useful as dyes. The basket-makers' awl of bone, the old aboriginal implement, may still be seen at work; but the knife with which prehistoric woman cut her basket material has utterly disappeared from use.

The work mostly in vogue among the Mescalero Apaches is based upon three rods, laid one upon another in a vertical row, the stitches simply interlocking so that the greatest economy of work is effected. It is not known that any other tribe in America practices this peculiar arrangement of the foundation rods. This tribe also uses the two-rod foundation, but instead of passing the stitch around the upper rod of the coil below, they simply interlock the stitches so that neither one of the two rods is inclosed twice. This Apache ware is sewed with yucca fibre and the brown root of the same plant, producing a brilliant effect, and the result of the special technic is a flat surface like that of pottery. The United States National Museum possesses a single piece of precisely the same technic from the kindred of the Apache on the lower Yukon.

In the rod and welt foundation the single rod foundation is overlaid by a splint or strip of tough fibre, the stitches interlocking. This style of coil work is seen on old Zuñi basket jars.

One of the best specimens of ancient coiled baskets was found in the pueblo of Zia, on the Rio Grande. In addition to the structure, which consists of two rods and a splint above, sewed with willow splints, the stitches interlock and catch in the welt below, the ornamentation is a stepped design, suggestive of pueblo architecture on the upper figure and spirals made up of colored rectangulars on the lower figure. The modern Indians of this pueblo do not make basketry of this character, however, and it is reason-

able to think that in the olden times those specimens came into the possession of these people by traffic from Shoshonean tribes near by.

Basketry is rendered water-tight by closeness of texture and by daubing with pitch or asphaltum, and there is no reason for believing that the ancient ware differed from the modern. The White Mountain Apaches make water jars in diagonal twined weaving, covered with pitch, with two or three lugs of wood attached to the sides.

The border of a basket is frequently of quite another class of weave, as compared with the body of the basket. This grows out of the exigency of the case. A specimen made recently by a Zuñi woman is of stripped leaves of yucca, from which coarse mats, basket bowls and trays are made. The mat is woven square and a hoop of wood is provided for the border. The mat is forced down into it and the ends of the warp and weft cut off about an inch above the hoop. They are then bent down on the outside in groups of fours and held in place with one row of twined weaving. In the simplest forms of Zuñi wicker work the ends of the warp are all cut off in uniform lengths and each bent down by the side of the next warp, or behind one warp and down beside the second warp; or is woven behind and in front of the other warp stems with greater or less intricacy, forming a rope pattern on the outside.

In a specimen obtained from the Zia pueblo a hoop is used for the foundation of the border, which consists of an ordinary "figure-of-eight" wrapping, as in doing up a kite string. By the manipulation of a single pliable splint, effects are produced on the border which resemble three-ply or four-ply braid.

Ornamentation in and on basketry is to be studied with three teachers or guides—the technician, the artist and the folklorist. In producing her effects the basket-maker must be freely equipped for her work before the first stitch or check is attempted. There is no chance to go back and remedy defects. As on pueblo pottery, so on basketry; some patterns are merely crude likenesses of things, and that is all. A step in advance of this is the portraiture of some particular and sacred natural feature. Pictography is one grade higher, and, beginning with attempts at figuring animals and plants entire, runs the whole gamut of transformation, ending with conventional metonymies, synecdoches and geometric patterns of the classic type.

Form in basketry is decided at the outset, not by the desire to create something artistic, but to produce a useful receptacle. There is scarcely a basket so rude, however, that a sense of symmetry and other artistic qualities did not enter into its composition. The cube, the cone, the cylinder, the sphere, are the bases of all simple and complicated varieties. In softer material basketry approaches matting. The products are then flat or pliable, although the process of manufacture is the same. While all Indians are imitators to a certain degree, it is an entire misconception of the underlying plan to suppose that the skillful weaver is a slave to natural patterns. As a matter of fact, she appears to be less subservient to such things than artisans of a much higher grade. Use co-operates with beauty in deepening the basket into a shallow plate, one of the most attractive specimens of which is to be found in the so-called Navajo ceremonial baskets. These beautiful creations have attracted much attention through their association



with Navajo ceremonies. They are called ghost drums, wedding baskets and various other names, all associated with the Navajo religion.

Deepening the plate or dish gives the bowl an unlimited number of forms and emancipates the basket maker. All through the southwestern United States the olla is the prevailing form. It is a segment cut from a sphere, marvelous in symmetry when the production of a master hand. Departing from this simple outline, varieties are produced by flattening the bottom and straightening the body until the truncated cone and regular cylinder are reached. The quality of the material used may have a little to do with the general outline, but it is charming to see how easily the savage woman overcomes the obstinacy of nature and persuades reluctant wood to do the work of grass and soft fibres.

Ornamentation in the form of the basket as a whole has kept pace with the multiplication of uses. The first contact of the Indians with the whites created new desires in their minds. Furthermore, it was not long before they discovered their best interests to lie in the direction of service to their conquerors. The supply of new wants and responses to the demands just mentioned would necessarily break in upon the ancient regime. The farthest departure from old-fashioned types is exhibited in the work of the Apaches, who attempt all sorts of animal forms in coiled work, and the Pima tribes, who lose themselves in labyrinths and frets.

The Navajo Indians employ native dyes of yellow, reddish and black. The black dye is made from the twigs and leaves of the aromatic sumac, which they boil five or six hours. Ocher is reduced to a fine powder and slowly roasted over a fire until it assumes a light brown color. It is then combined with an equal quantity of piñon gum, and again the mixture is placed upon the fire and stirred. The gum melts and the mass assumes a mushy consistency. As the roasting progresses the mass is reduced to a fine black powder. When it has cooled it is thrown into the decoction of sumac, with which it forms a rich blue-black fluid. This is essentially an ink, the tannic acid of the sumac combining with the iron of the ferric oxide in the roasted ocher. The whole is enriched by the carbon of the calcined gum. Reddish dye is made from the bark of the *alnus tenuifolia* and the bark and root of *cercocarpus parvifolius*, the mordant being fine juniper ashes. These dyes are now applied by the Navajo. For yellow the flowering tops of *chrysothamnus graveolens* are boiled about six hours, until a decoction of deep yellow is produced. The dyer then heats over the fire some native alum until it is reduced to a pasty consistency. This she adds to the decoction and then puts the whole in the dye to boil. The tint produced is nearly lemon yellow.

All the New Mexico tribes and families which produce baskets adorn their output with some kind of designs. Some of these have an interesting symbolical significance. In New Mexico and Arizona the legend is found in two forms, side by side. Similar types of symbolism, occasioned by the climate, the physical features and productions of the arid region will be found at Zuñi and among the pueblos of the Rio Grande.

Before the coming of Europeans, basketry supplied nearly every domestic necessity of the Indians, from an infant's cradle to the richly decorated funerary jars burned with the dead. The wealth of a family was counted in the number and beauty of its baskets, and the highest virtue of woman was her ability to produce them. The basket performed many func-

tions. Carrying in baskets was done by the aboriginal Americans on the head, on the back with head band or breast strap, and in the hands. About the home the basket was scarcely ever absent. In a hemisphere almost devoid of pack animals, where woman was the ubiquitous beast of burden, is it any wonder that she invented the most economical of devices for holding and transporting? Basketry is still employed, more or less extensively, in dress and adornment of the person, especially in the form of sandals and headgear. But the art has been most useful as the patron of fine art and culture. But among the Navajos the art is little cultivated today, because it was neglected through the development of blanket weaving. The material is the aromatic sumac. The work is done in coiled weaving. The foundation is in roots of the same material. In starting the basket the butt of the rod is placed in the centre, the tip toward the periphery all the way to the end of the work. Around the middle is a band in red, and branching from this band outward and inward triangles in black. The band is not continuous, but at one point is intersected by a narrow line of a colored wood. At first this seemed to be an imitation of the pueblo "line of life" on pottery, but the Navajo line is put there to assist in the orientation of the basket in the medicine lodge when the light is dim. In playing their game, the butts and tips of the Navajo give preference to the butt end of the gambling stick, associating the idea with that of the position of the warp in the coiled basket. When the basket is finished, the butt of the first twig and the tip of the last twig in the outer edge must be on a line with this radial opening. When the basket is used in ceremony this line must lie east and west. The stick for this drum is made from the leaves of the yucca, bent together, wrapped and sewed. The dull, ghostly sound accords well with the other portions of their ceremonies.

The cooking basket was necessarily water-tight, and was made by the coiled method. The broth or stew is placed in the basket and heated stones dropped into it, the operation being repeated until the food has been sufficiently cooked. Baskets of various forms are used elsewhere in the culinary department, as pans and pots and kettles of wood and copper and iron are used by civilized peoples.

House and furniture were, here and there, constructed of basket work, so the basket-maker became architect and cabinet-maker. It is also intimately associated with the end of Indian life. Not only were fabrics woven in basketry technic wrapped about the dead and used to protect the body, but on the sentimental side examples of the finest workmanship were either deposited or burned with their makers.

Basketry also figured largely in the protection of pottery intended for daily use. There are innumerable examples of basketry and other textile markings on prehistoric earthenware found in many places throughout New Mexico.

Among the pueblo Indians of New Mexico, seeking, carrying and storing water was one of the chief industries, and most of the religious ceremonies and prayers were with reference to rain. The larger carrying vessel among the pueblos was of pottery, but among the nomadic tribes, such as the Utes, Apaches and Navajos, these vessels were of water-tight basketry made with round or conical bottom, so that in settling on a level the centre of gravity would bring the vessel into an upright position and thereby keep the water from spilling.

Two ancient coiled baskets found at the pueblo of Zia, in the Jemez river, have the following peculiar characteristics: The foundation is of splints, the sewing is done with willow or rhux, and the stitches are just barely carried around a small portion of the foundation underneath where they are interlocked. The ornamentation (an ascending spiral) is, in one case, a rhombic figure, and in the other is built up of little rectangles, formed by counting stitches. The margins of these baskets appear to be in a three-strand plait; but they are really done in a single splint which passes backward over the foundation, then under and forward, inclosing the rod underneath, forming a figure of eight. The multiplication of this produces on the surface the braided appearance.

Although there may be seen at the pueblo of Zuñi all sorts of baskets, the most of them include pitched bottles of water, coiled and whipped trays, Hopi-coiled and wicker-basket trays, but it is not to be understood that they were necessarily made there. The only work made by the Zuñi nowadays is their small, rough peach baskets, of twigs and wicker-work, hardly worthy of notice except for their ugliness and simplicity. The Zuñi pueblos lie in the very heart of the desert region, and are surrounded by numerous basket-making tribes. There is no cause for surprise, therefore, in finding fine specimens of the art in their villages, for trading is a passion with them, and through their agricultural products and their refined loom work they are able to gratify this taste for old basketry among the surrounding tribes.

The Fraser river tribes in British Columbia obtained an economical result of widening coils by the introduction of narrow strips of wood instead of the roots or bundles of grass for the foundation. The Mescalero Apaches of New Mexico have also discovered that using two or more rods, one lying on the top of the other, would give the same result. The stitches in yucca, also, instead of passing underneath another rod in the coil below, are simply interlocked with the stitches underneath. The ornamentation is produced by different colors of the same substance.

C. M. O'Leary of Los Angeles, California, asserts that the Navajos do not make baskets, but that they use a ceremonial basket that is made by the Apaches and comes from Arizona. Other observers attribute the curious product commonly known as the "Navajo wedding-basket" to the Ute. Nevertheless, old Navajo women still understand the art, though the energies of this tribe in recent years have been devoted to the weaving of blankets. Baskets attributed to the Navajos are extremely uniform in every respect. On the authority of Dr. Washington Matthews, who is recognized as one of the highest living authorities on the Navajo and his work, a tradition of the race is that in ancient days a Navajo woman invented the pretty border seen on these baskets. She was seated under a juniper tree finishing her work in the old, plain way, when the god, Hastseyath, threw a small spray of juniper into her basket. She imitated the fold of the leaves on the border and the invention was complete.

The decoration of the Navajo baskets is, in designs, taking the form of bands for their sacred drums, and of crosses for their sacred meal baskets. The one characteristic to which attention is always directed in this ware is the break in the band. Previous mention has been made of the use to which this opening is put at certain times. Another interpretation of this, which does not seem to have been proven true, is that this break in

the ornamentation has something to do with the passing backward and forward of the spirit of the basket, as in certain pueblo pottery decoration.

Whenever civilization has come in contact with lower races, it has found the woman enjoying the most friendly acquaintance with textile plants and skillful in weaving their roots, stems and leaves into basketry, matting and other similar products without machinery. The result of archaeological research in America has proven that basketry was well nigh universal throughout the western hemisphere before the landing of Columbus, while at least one-half of the area was devoid of pottery. Ancient cemeteries, mounds, caves and ruins gave evidence of the high antiquity of the art on both continents. Research demonstrates that no changes have taken place in this respect either in the variety of the technical processes or the fineness of the workmanship. There is an unbroken genealogy of basket-making running back to the most ancient times.

#### THE SWASTIKA.

The Swastika, the earliest known symbol of any character, has been made by Indian tribes in America for centuries. Its history and its significance form one of the most interesting features of aboriginal life in New Mexico. The simple cross, made with two sticks or marks, belongs to prehistoric times in both the Old World and the New. Its first appearance among men is lost in antiquity. The meaning given to the earliest cross is equally unknown. But in early times a differentiation arose among nations, by which certain forms of the cross have been known under certain names and with specific significations. Some of these, such as the Maltese cross, the Latin cross, the Greek cross and the St. Andrew's cross, are historic and can be easily identified. But of the many forms of the cross, the Swastika is the most ancient. "Despite the theories and speculations of students, its origin is unknown," writes the most eminent of authorities.\* "It began before history, and is properly classed as prehistoric. It is described as follows: The bars of the normal Swastika are straight, of equal thickness throughout, and cross each other at right angles, making four arms of equal size, length and style. Their peculiarity is that all the ends are bent at right angles and in the same direction; right or left. Prof. Max Muller makes the symbol different, according as the arms are bent to the right or to the left. That bent to the right he calls the true Swastika; that bent to the left he calls Suavastika; but he gives no authority for the statement. Prof. Goodyear gives the title of "Meander" to that form of Swastika which bends two or more times. This form of the cross is sometimes represented with dots or points in the corners of the intersections, and occasionally the same, when without bent ends, to which Zmigrodzki gives the name of "Croia Swasticalc."

There are several varieties possibly related to the Swastika which have been found in almost every part of the globe. It has been called by different names in different countries, though in later years nearly all countries have accepted the ancient sanscrit name here used. Many theories have been presented concerning its symbolism, its relation to ancient deities and its

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\*Thomas Wilson, curator, Department of Prehistoric Anthropology, United States National Museum.

representation to certain qualities. In the estimation of certain writers it has been respectively the emblem of Zeus or Baal, of the sun, of the sun-god, of the sun-chariot of Agni the fire-god, of Indra the rain-god, of the sky—of the sky-god, and finally the deity of all deities—the great God, the Maker and Ruler of the Universe. It has also been held to symbolize light, or the god of light of the forked lightning, and of water. It is believed by some to be the oldest Aryan symbol. In the estimation of others it represents Brahma, Vishnu and Siva—Creator, Preserver, Destroyer. It appears in the footprints of Buddha, engraved upon the solid rock on the mountains of India. It stood for the Jupiter Tonans, and Pluvius of the Latins, and the Thor of the Scandinavians. In the opinion of at least one investigator it had an intimate relation to the Lotus sign of Egypt and Persia. Some authors attributed a phallic meaning to it. Others have recognized it as representing the generative principle of mankind, making it the symbol of the female. Its appearance to the persons of certain goddesses has caused it to be claimed as a sign of fecundity.

The claims of most of these theorists are somewhat clouded in obscurity and lost in the antiquity of the subject. What seems to have been at all times an attribute of the Swastika is its character as a charm or amulet, as a sign of benediction, blessing, long life, good fortune, good luck. This character has continued into modern times, and while it is recognized as a holy and sacred symbol by at least one Buddhistic religious sect, it is still used by the common people of India, China and Japan as a sign of long life, good wishes and good fortune. Whatever else it may have stood for, and however many meanings it may have had, it was always ornamental. It spread itself practically over the world, largely, if not entirely, in prehistoric times, though its use in some countries has continued into modern times.

In tracing the origin of the Swastika, as found among the aboriginal tribes of the American continent and their descendants, the Indians of to-day, it is interesting to note, in conjunction with the theory that the Indian tribes are descendants from the Mongolians, that the Swastika was used in Japan, China and Korea in ancient as well as in modern times. In all these countries it was used as a decoration on porcelain and china ware long before the discovery of the New World, possibly before the settlement of Northern Europe. Some writers contend that there is strong evidence that its use in those countries antedates the Christian era by many centuries. In Thibet and in India its use in early times has been established. In Babylonian and Assyrian remains it has been searched for in vain. It likewise has never been found in the ruins of Phoenicia. In Armenia it has been found in rare instances. In Caucasus it has been found in great purity of form. Many specimens were found in the ruins of ancient Troy. A consensus of the opinions of antiquarians is that it had no foothold among the Egyptians, though it has been found in Algeria, and even in Ashantee. The Greek fret, so well known even outside of antiquarian circles, is a modified form of the Swastika. Prof. Goodyear, in his "Grammar of the Latus," says: "There is no proposition in Archaeology which can be so easily demonstrated as the assertion that the Swastika is originally a fragment of the Egyptian Meander, provided Greek geometric vases are called into evidence." But Wilson claims that Egyptian Meander here means Greek fret, and that "despite the ease with which Prof. Goodyear says his proposition can be demonstrated, \* \* \* doubts must arise as to the existence of

the evidence necessary to prove his proposition." It surely has not been proved. On the contrary, it is difficult, if not impossible, to procure direct evidence on the proposition. Comparisons may be made between the two signs; but this is secondary or indirect evidence, and depends largely on argument.

Nearly all varieties of the Swastika came into use during the Bronze Age; and prehistoric archaeologists claim that bronze was introduced into Europe in prehistoric times from the extreme Orient. If bronze came originally from the extreme Orient, and the Swastika belonged there also, and as objects of bronze belonging to prehistoric times and showing connection with the Orient have been found in Swiss lake dwellings of prehistoric times, it is a fair inference that the Swastika mark found on the same objects came also from the Orient. This inference is strengthened by the manufacture and continuous use of the Swastika in both bronze and pottery, until it practically covered, and is to be found over, all Europe whereon the culture of bronze prevailed. Nearly all the varieties of the Swastika came into use during the Bronze Age. It is found not only in the Mediterranean countries, but in Switzerland, France, Germany, and even on the Scandinavian peninsula and in several places in Great Britain. Many coins found in the ruins of ancient cities of southern Europe contain the Swastika mark in various forms. It is also found on the ancient Hindu coins and on Danish gold bracteates.

That the Swastika found its way to the Western Hemisphere in prehistoric times cannot be doubted. It was found as early as 1881 in an ancient mound on Fains Island, in Jefferson county, Tennessee, engraved on a shell ornament. Specimens have also been found in other prehistoric mounds in Tennessee, all of which are declared by archaeologists to be the genuine Swastika. Their discovery naturally suggests investigation as to evidences of communication with the Eastern Hemisphere. Other figures of sufficient similarity to the Swastika have been found among the aborigines of North America to show that the symbol was widely known. They were found years ago in Georgia, Ohio, Illinois, Arkansas, Kansas and several of the states and territories of the Rocky Mountain region.

In the fifth annual report of the Bureau of Ethnology, under the title of "The Mountain Chant; a Navajo Ceremony," Dr. Washington Matthews, U. S. A., one of the most eminent authorities in anthropologic work in the United States, whether historic or prehistoric, describes one of a number of ceremonies practiced by the shamans, or medicine men, of the Navajo Indians in New Mexico. The ceremony is public, though it takes place at night. It lasts for nine days, and is called by the Indians "dsilyidje qacal"—literally, "chant toward (a place) within the mountains." The word "dsilyi" may allude to mountains in general, to the Carrizo mountains in particular, to the place in the mountains where the prophet (originator of the ceremonies) dwelt, or to his name, or to all of these combined. "Qacal" means a sacred song or a collection of sacred songs. Dr. Matthews describes at length the myth which is the foundation of this ceremony, which is summarized as follows:

An Indian family, consisting of a father, mother, two sons and two daughters, dwelt in ancient times near the Carrizo mountains. They lived by hunting and trapping, but the place was a desert, game scarce, and they moved up the river further into the mountains. The father made incanta-

tions to enable his two sons to capture and kill game. He sent them hunting each day, directing them to go east, west or north, but with the injunction not to go to the south. The elder son disobeyed this injunction, went to the south, was captured by a war party of Utes and taken to their home far to the south. He escaped by the aid of "Yaybichy" and divers supernatural beings. His adventures in returning home form the body of the ceremony wherein these adventures are, in some degree, reproduced.

Extensive preparations are made for the performance of the ceremony. Lodges are built and corrals made for the use of the performers and the convenience of their audience. The fete being organized, stories are told, speeches are made and sacred songs are sung in a progressive series on four certain days. Mythological charts of dry sand of divers colors are made on the earth within the corrals after the manner of the Navajo and the pueblo Indians. These dry-sand paintings are made after a given formula and are intended to be repeated, year after year, although no copy is preserved, the artists depending only upon the memory of their shaman. One of their pictures, or charts, represents the fugitive's escape from the Utes, his captors, down a precipice into a den or cave in which burnt a fire on which was no wood. Four pebbles lay on the ground together—a black pebble in the east, a blue one in the south, a yellow one in the west, and a white one in the north. From these flames issued. Around the fire lay four bears colored and placed to correspond with the pebbles. When the strangers (the Navajo and the supernatural beings) approached the fire the bears asked them for tobacco, and when they replied they had none, the bears became angry and thrice more demanded it. When the young Navajo fled from the camp of his captives he had furtively helped himself from one of the four bags of tobacco which the council was using. These, with a pipe, he had tied up in his skin robe, so when the fourth demand was made by the bears he filled the pipe and lighted it at the fire. He handed the pipe to the black bear, who, taking but one whiff, passed it to the blue bear and immediately fell senseless. The blue bear took two whiffs, and passed the pipe, when he, too, fell over unconscious. The yellow bear succumbed after the third whiff, and the white bear in the north after the fourth whiff.

The Navajo now knocked the ashes and tobacco out of his pipe, and rubbed the latter on the feet, abdomen, chest, shoulders, forehead and mouth of each of the bears in turn, and they were at once resuscitated. He then replaced the pipe in the corner of his robe. When the bears recovered they assigned to the Navajo a place on the east side of the fire, where he might lie all night, and they brought out their stores of cornmeal, "t cilt cin" and other berries, offering them to him to eat; but "Yaybichy" warned him not to touch the food, and disappeared. So, hungry as he was, the Indian youth lay down supperless to sleep. When he awoke in the morning the bears again offered food, which he again declined, saying he was not hungry. They then showed him how to make the bear "Kethawns," or sticks, to be sacrificed to the bear gods, and they drew from one corner of the cave a great sheet of cloud, which they unrolled, and on it were painted the forms of the "yays" of the cultivated plants.

In this cloud-painting, which is reproduced by the medicine men, the central figure is a bowl of water carried with black powder; the edge of the bowl is garnished with sunbeans, while outside of it and forming a

rectangle are the four "ca 'bitlol" of sunbeam rafts on which seem to stand four gods, or "yays," with the plants under their special protection. The white god protects the corn; the blue god protects the bean; the yellow god protects the pumpkin, and the black god protects the tobacco plant. The figures of the gods form a cross, the arms of which are directed to the four cardinal points of the compass. The plants form another cross, having a common centre with the first, the arms extending to the intermediate points of the compass. The gods are shaped alike, but colored differently. They lie with their feet to the centre and heads extended outward, one to each of the four cardinal points; the faces look forward, the arms half extended on either side, the hands raised to a level with the shoulders. Around their loins they wear skirts of red sunlight adorned with sunbeams. The gods have, respectively, a rattle, a charm and a basket, each attached to his right hand by strings. This basket, represented by concentric lines with a Greek cross in the centre, has, extending from each of its quarters, arranged perpendicularly at right angles to each other, in the form of a cross, four white plumes of equal length, which at equal distances from the centre are bent, all to the left and of the same length. Thus are formed in this chart four specimens of the Swastika with the cross and circle at the intersection of the arms. It is a prehistoric or Oriental Swastika in all its purity and simplicity, appearing in one of the mystic ceremonies of the aborigines in New Mexico.

It will be seen that the origin and early history of the Swastika are lost in antiquity. As to its significance it might have served, 1st, as a symbol of a religion, of a nation or people, or a sect with peculiar tenets; 2d, as an amulet or charm of good luck, or fortune, or long life; of benediction or blessing; or against the "evil eye"; 3d, as an ornament or decoration. It may have been originally discovered or devised by a given people in a given country, and transmitted from one generation to the next, passing by migration from one country to another, and it may have been transmitted by communication to widely separated countries and among differently cultured peoples; or it may have appeared in these latter countries by duplicate invention or by accident, and without contact or communication. But one conclusion is inevitable: it was certainly prehistoric in its origin. The name by which it is recognized today in all literature is a sanscrit word, and was in common use among the Sanscrit peoples early in their history. It doubtless was in use, more or less, common among the people of the Bronze Age anterior to the Chaldeans, Hittites or the Aryans. Upon the evidence submitted, we must accept it first as a symbol of that sect of Jains within the Buddhist church originally in Thibet, which spread itself in the Asiatic country under various names. They gave it the translation "su," meaning "well," and "asti," meaning "it is," the whole word meaning "it is well," or "so be it," implying resignation under all circumstances. The Swastika was used a thousand times on the tombs of Christians in the Catacombs at Rome. This is evidence of its use to a certain extent, in a sacred or funereal character. Beyond these instances there is no evidence of its having served as a symbol of any religious or philosophic idea, or of any sect or organization. Its most probable use among prehistoric peoples, among Orientals other than the Buddhists, was as a charm or amulet signifying good fortune, good luck, long life, or benediction and blessing.



If the Swastika was a symbol of religion in India and migrated as such in times of antiquity to America, it was necessarily by human aid. If it came to America with Buddhism it must have been since the foundation of the Buddhist religion, which is approximately fixed in the sixth century before Christ. But in America there has been found no trace of the Buddhist religion, nor of its concomitants of language, art or custom. Therefore if it came from India or eastern Asia, it came earlier than twenty-five hundred years ago. The fact that in this country it is to be found upon such subjects as indicate the common and every-day use, and not upon images of gods, statues, monuments or altars, indicates that it probably was used in the Western Hemisphere for much the same purpose as in western Asia and Europe—simply as a charm or token of good luck, or against the evil eye.

Prof. Wilson says, in concluding his interesting report:

"The Swastika of the ancient mound-builders of Ohio and Tennessee is similar in every respect, except material, to that of the modern Navajo and pueblo Indian. Yet the Swastika of Mississippi and Tennessee belong to the oldest civilization we know in America, while the Navajo and pueblo Swastika were made by men still living. A consideration of the conditions brings out these two curious facts: That the Swastika had an existence in America prior to any historic knowledge we have of communication between the two hemispheres; but we find it continued in America and used at the present day, while the knowledge of it has long since died out in Europe."

Within recent years popular interest in the Swastika as produced by certain Indian tribes of New Mexico, notably the Navajos, has greatly increased, and this emblem of "good luck, good fortune, long life," etc., is now eagerly sought by visitors to the Territory, and by its inhabitants, who extend it as a gift to friends in all quarters of the globe. Originally mounted in the form of a silver pin, it is rapidly assuming different forms, under the tutelage of the white trader. Watch charms, bracelets, scarf pins and even the ends of spoon-handles are now made by the Navajos in the form of the Swastika. Usually they are manufactured from solid silver, though occasionally one of gold, and rarely of copper, will be found. The town of Gallup has become the chief center of commercialism in this respect, owing to its proximity to the land of the Navajos. Unprincipled dealers in various parts of the Territory now have thousands of spurious Swastikas made every year for sale to the inexperienced traveler through New Mexico, disposing of them under the guarantee that they are made by the Indians. It requires an expert of long residence among the tribe to detect the fraud in some cases. It is estimated by a well-informed authority that during the year from July 1, 1905, to July 1, 1906, fully sixty thousand Swastikas in their various forms, including both the genuine Indian product and the spurious Swastika of commerce, were sold in New Mexico. As the average retail cost is in the neighborhood of forty cents, and varies from twenty-five cents to three dollars, according to the article and the workmanship, it will be seen that the trade in this interesting symbol has assumed proportions of no small importance.

## HISTORY OF BANKING IN NEW MEXICO

The history of banking in New Mexico dates from the year 1870, when Lucien B. Maxwell, who had sold the famous Beaubien and Miranda land grant, applied for a charter for a national bank. This institution was finally organized at Santa Fé in December, 1870, as the First National Bank of Santa Fé. Maxwell realized from the sale of his grant the sum of six hundred and fifty thousand dollars. Some of this money he invested in bonds of the Texas & Pacific Railroad, then in course of construction, but the entire amount was lost. Somebody suggested to him that a profitable investment for part of his money would be in the establishment of a bank in the territorial capital. The idea appeared to please him, for he applied for a charter with a capital of one hundred and fifty thousand dollars, putting up all the money himself and distributing ten shares to a sufficient number of friends to constitute a directory. In due course the bank opened for business, but for some reason deposits did not flow in at all liberally. It was a new experiment at New Mexico, and the people needed some preliminary education before they could be brought up to lodge their funds with a bank. The only approach to banking facilities in the Territory prior to that date was afforded by the commission merchants in St. Louis, to whom the producers here consigned their cattle, sheep, wool and hides, and through whom they made their purchases. The wealthier citizens, having pursued this course for many years, inheriting it from their fathers, and grandfathers, did not take kindly to any sudden and radical change of methods. Again, the personnel of the new bank for some reason did not inspire them with confidence. This was not in any way due to Maxwell, who was well known throughout the Territory, and was looked upon as an upright and honorable man, of simple tastes and character. He had, however, no particular banking experience or knowledge and the gentlemen whom he had associated with himself in the enterprise, and who were supposed to furnish the skill and training essential to the successful conduct of the business, were not as well known, and hence did not create the necessary feeling of confidence in the institution, so that the bank ran along for some months without doing much business.

The original stock certificates of this bank were of remarkable design, bearing a vignette of Maxwell with a cigar in his mouth. The trusting nature of the promoter of this institution is well illustrated by the fact that he signed in blank more than a hundred of the stock certificates, so that his absence at his home in Cimarron might not interfere with the expected activity in stock dealings. Maxwell was fond of horse flesh, and during his incumbency of the presidency he advertised in Kansas City papers the racing virtues of his mare "Fly," offering to bet a large sum that she could beat anything in the way of a racer that could be produced. Some wag in Kansas City cut out this advertisement, and, placing it on a letterhead





**William W. Griffin,**

**First Grand Master, Grand Lodge of New Mexico, A. F. & A. M.**

of the Santa Fé bank, and writing over it the legend, "Banking in New Mexico," hung it in the lobby of a Kansas City bank.

In the spring of 1871, Stephen B. Elkins, then a rising political figure in New Mexico politics, and afterward United States senator from West Virginia, with Thomas B. Catron of Santa Fé and others, were on the point of making application for a charter for another bank, but pending the completion of the necessary steps, Maxwell, tiring of his financial operations in Santa Fé, sold his bank to these men. At this time it was the only institution of the kind in New Mexico and Arizona. The United States maintained a depositary at Santa Fé and at Tucson, and to these, at stated intervals, currency and coin were sent from St. Louis, under charge of an official of the treasury department and with a military escort.

Early in the '60s J. F. Merline, afterward assistant treasurer of the United States, had charge of one of these expeditions for the replenishment of the money stock of these two depositories and on his return wrote and published under the title of "Two Thousand Miles on Horseback," a very interesting account of the two territories as he found them at that time. Acting upon the advice of Mr. Elkins, Jose Leandro Perea, Manuel Antonio Otero and Felipe Chavez bought blocks of the stock, and the first mentioned became the owner of nearly one-third of the entire capital of the bank. Browne & Manzanares were also subscribers at this time. The bank, under Senator Elkins's management and control, was a success from the start and soon had accounts from all parts of the territory and from Arizona, and the men who risked their funds in the stock were rewarded with substantial dividends, so that a second bank anticipated even more favorable results. But this bank went into liquidation at the end of its term of twenty years in 1892.

Prior to the advent of the Santa Fé Railroad banking was conducted under conditions very different from those which have since prevailed. Currency, supplies and shipments had to be brought in and sent out by mail, by coach, by Barlow & Sanderson's stage route along the main line of travel and over the star routes. There was little loss, however, either by way of stage hold-ups or by mail robbery or employees. The banks were not much affected by the state of the money market in the great financial centers, and business went on very much the same in times of adversity or prosperity. Interest averaged from one and a half to two per cent a month, and exchange was three-quarters of one per cent.

The next banking enterprise in New Mexico was that founded by the Raynolds Brothers at Las Vegas.

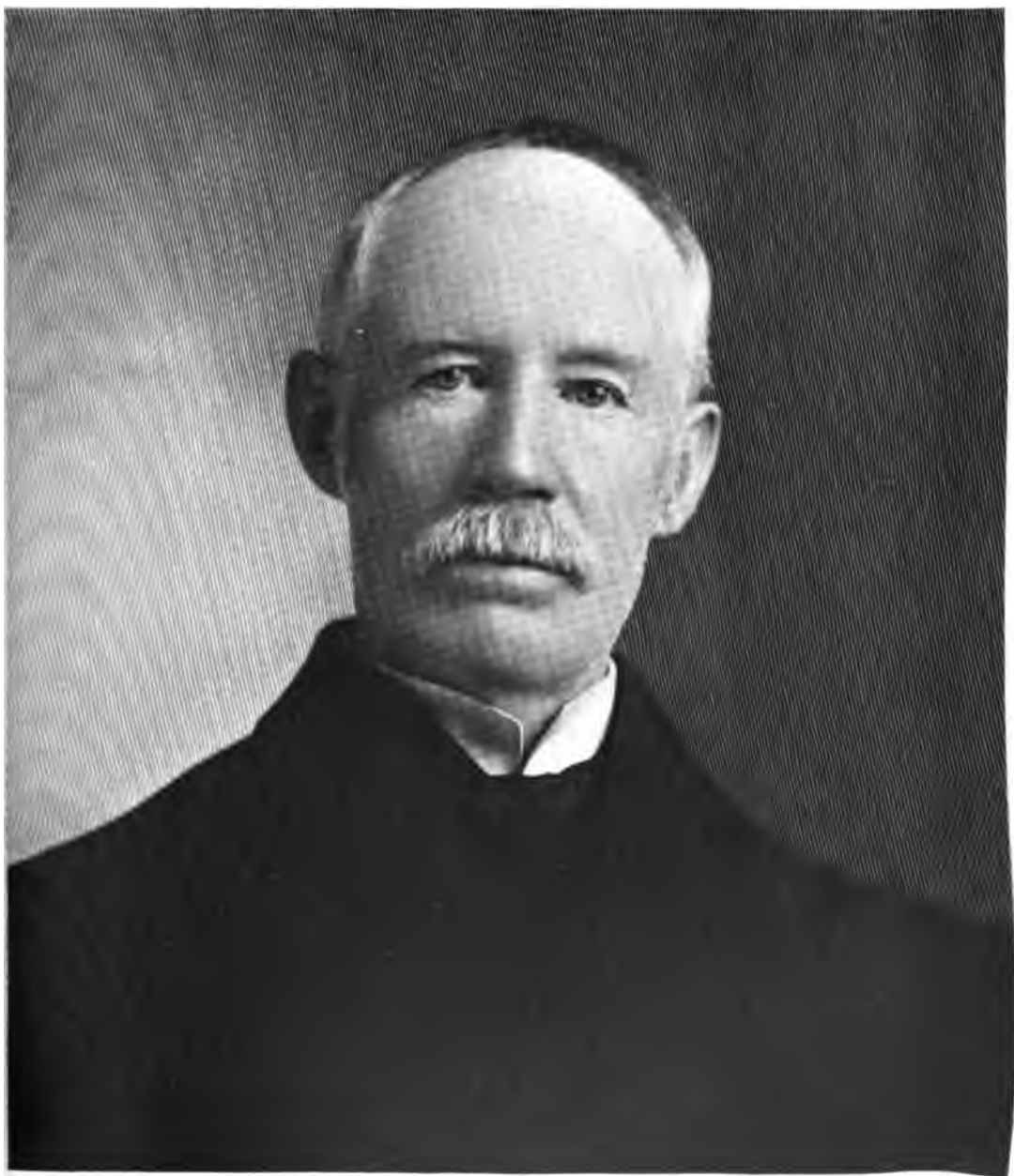
William W. Griffin, for many years one of the most widely known residents of northern New Mexico, was a native of West Virginia. In young manhood he went to Little Rock, Arkansas, where he lived a few years, going from there to Texas, and in 1860 went from Galveston to Santa Fé, walking most of the distance. In the latter city he learned surveying, and was employed in much important work, including the survey of the famous Maxwell Land Grant. At times he was compelled to perform his work under military escort on account of the menace of the Comanches, Utes and other wild tribes of Indians. In 1870 he assisted Lucien B. Maxwell and others in the organization of the First National Bank of Santa Fé, the first banking house in New Mexico, served as cashier for many years, and was its president at the time of his death in

1889. He was an active and very influential Republican, and at the time of his death was serving his eighth year as chairman of the territorial Republican central committee. In Masonry he was very active. He filled the office of grand master of the first grand lodge of New Mexico, was a charter member of Montezuma Lodge of Santa Fé upon its reorganization, and filled all the chairs in that body. His son, William E. Griffin, now game warden of New Mexico, was born in Santa Fé in 1867 and was educated in Swarthmore College, Pennsylvania. He, also, is prominent in Masonry, being high priest of the Santa Fé chapter and eminent commander of Santa Fé commandery. He was appointed game warden in 1906 by Governor Hagerman. In the war with Spain William E. Griffin served as a first lieutenant in the First United States Volunteer Cavalry, and upon the surrender of Santiago was assigned to duty on the staff of General Leonard Wood, being appointed by the latter as provost marshal of the city, which position he filled until his regiment was ordered back to the United States.

The United States Bank and Trust Company of Santa Fé, which was incorporated under the laws of New Mexico in May, 1906, and opened for business June 11 following, is probably the only banking house in the United States which inaugurated operations with a formal reception. The bank occupies a new building erected by Hon. N. B. Laughlin, and its quarters are in many respects the most attractive throughout the entire West. Arizona onyx predominates in the interior construction. This bank has a capital stock of \$50,000. Howard S. Reed is president, C. H. Ingram vice-president and cashier, P. F. Knight assistant cashier, and P. S. Wilson assistant cashier and manager of the Taos branch bank, which was opened at Taos in July, 1906. The United States Bank, an institution which had been sadly needed in Santa Fé, was made a possibility chiefly through the co-operation of ex-Judge N. B. Laughlin with the foreign promoters. His name on the directorate gave the business men of Santa Fé confidence in the new institution, and the deposits the first day aggregated \$37,301.10.

The first bank to be opened in Las Vegas was established by Jefferson, Joshua and Frederick A. Raynolds under the name of Raynolds Brothers in 1876. It was located in a building owned by Frank Chapman situated on the west side of the plaza in Las Vegas. Mr. Chapman was a successor in business to Andreas Dold, a pioneer American merchant. This bank was conducted as a private institution until 1880, when the Raynolds Brothers organized the First National Bank of Las Vegas with a capital stock of fifty thousand dollars. In 1883 the capital was increased to one hundred thousand dollars, which is the present capital. Jefferson Raynolds was made president of the new bank upon its organization and has held that position continuously since. Until 1903 the bank conducted business in the town of Las Vegas, but since that year it has been established in attractive quarters in East Las Vegas. Upon changing its location those interested in the institution organized the Plaza Trust & Savings Bank, which occupies the building for many years utilized by the First National Bank. Of the latter bank Jefferson Raynolds is also president.

Mr. Raynolds is one of the most widely known citizens of the Territory. He has been actively identified with numerous projects of a public or semi-public nature aside from his banking interests. In 1882 he organized the Aqua Pura Company at Las Vegas, was elected its president and



*J. Hayworth*





floated the company's bonds. This company established a gravity water supply system for Las Vegas, drawing its supply from Gallinas Canyon, six miles from Las Vegas. In 1883 he assisted prominently in the organization of the Mutual Building and Loan Association of Las Vegas, an institution which has been of great benefit in the upbuilding of the city. He was also one of the founders of the First Presbyterian church at Las Vegas, in which he has served many years as an elder. He has always exhibited a keen interest in the undertakings of the Republican party of New Mexico, although he has never sought political office. Nevertheless his judgment in local and territorial affairs has frequently been the decisive factor in the councils of the party.

The life record of Jefferson Raynolds began on the 26th of October, 1843. He is a native of Canton, Ohio, and was an intimate friend of the late President William McKinley in his youth. On the 15th of April, 1861, when only seventeen years of age, he enlisted in Company F, Fourth Ohio Infantry, as a private, and served with the army of the Potomac throughout the Civil war, participating in the battles of Rich Mountain, West Virginia, Winchester, Harrison's Landing, Second Bull Run, Antietam and first Fredericksburg. After the beginning of the year 1864 he served on detached duty until the end of the war and was mustered out with the rank of second lieutenant at Washington, D. C.

Following the cessation of hostilities Mr. Raynolds became a clerk in the First National Bank of Canton, Ohio, and in 1866 went to Denver, Colorado, to act as bookkeeper in the Colorado National Bank. Soon afterward he removed to Pueblo, Colorado, where he assisted in the organization of the First National Bank, becoming its cashier.

While residing there Mr. Raynolds was united in marriage on the 17th of May, 1871, to Martha C. Cowan. He and his wife are the parents of three sons: James W., for years secretary of the Territory of New Mexico and one of the most prominent and distinguished of the younger generations of citizens; Edward D., cashier of the bank at Las Vegas; and Hallett, assistant cashier of the same institution.

Since 1876 Mr. Raynolds has been continuously a resident of Las Vegas. Beside his identification with the institutions of New Mexico referred to above, in company with his brother, Joshua Raynolds, he organized in 1882 the First National Bank of El Paso, Texas, while the history of the Central Bank of Albuquerque, which he organized in 1878, will be found elsewhere. His activity has covered a wide scope and has been of far reaching importance to the commercial prosperity and business development of the Territory. Mr. Raynolds is a member of the Ohio Commandery of the Loyal Legion of America, with which he has been connected since 1897. He actively interests himself in public affairs and participates earnestly in every effort to propagate a spirit of patriotism and of loyalty to American institutions, and wherever there is a public-spirited attempt to drive corruption or other unworthiness out of public office he is to be found working with the leaders of the movement. He deserves and is given classification with the most prominent residents of the Territory.

The San Miguel National Bank of Las Vegas was incorporated December 15, 1879, by Miguel A. Otero, Jacob Gross, L. P. Brown, Joseph Rosenwald and others, with a capital stock of \$50,000. Miguel A. Otero was the first president and Jacob Gross the first cashier. M. S. Otero,

William M. Eads and Dr. J. M. Cunningham succeeded to the presidency in turn. D. T. Hoskins is cashier. The capital stock is now \$100,000.

The Las Vegas Savings Bank, organized in 1891, transacts business as a department of the San Miguel National Bank. W. M. Eads, the first president, was succeeded by Henry Goke, the present incumbent, and D. T. Hoskins, treasurer. The bank has a capital of \$30,000, and is organized under the laws of the Territory.

The Central Bank of Albuquerque, now defunct, was organized in 1878 by Jefferson Reynolds and others, and was subsequently merged in the First National. It erected the building now occupied by the latter institution in 1882. Jefferson Reynolds was its president.

The First National Bank of Albuquerque was incorporated December 24, 1881, by Mariano S. Otero, Felipe Chaves, Elias S. Stover, Nicolas T. Armijo, Cristobal Armijo, Charles Etheridge, Louis Huning, Edward Rosenwald, Daniel Geary, F. C. Gutierrez, Justo R. Armijo, Charles Zeiger, Horace L. Moore, Jose L. Perea and Aaron Rosenwald. The first capital stock was \$50,000, which has since been increased to \$200,000. Its first officers were: President, Mariano S. Otero; vice-president, Nicolas T. Armijo; cashier, Daniel Geary. After it was merged with the Central Bank it occupied the building erected by the latter. Joshua S. Reynolds is now president, M. W. Flournoy is vice-president, Frank McKee is cashier and R. A. Frost is assistant cashier. Its deposits at the beginning of 1906 aggregated nearly two and three-quarter millions.

The Albuquerque National Bank, which closed its doors in 1893, was incorporated in April, 1884, by W. K. P. Wilson, George F. Challenger, Judge Joseph Bell, Louis Huning, W. B. Childers, Dr. S. Anbright, Edmund H. Smith and Charles H. Gildersleeve, with a capital stock of \$100,000. The first officers were: President, Louis Huning; vice-president, Joseph Bell; cashier, W. K. P. Wilson; directors, Joseph Bell, Louis Huning, W. A. Drake, Edmund H. Smith, W. K. P. Wilson, A. M. Codington and Dr. S. Anbright. The bank opened for business July 21, 1884. It was reorganized in 1887, but was compelled to close its doors six years later, paying its depositors in full.

After the failure of the Albuquerque National Bank in 1893, Stephen M. Folsom, its president, was indicted for wrecking it, by means of false entries for two years before the failure, tried and sentenced to the penitentiary for five years. Applications for his pardon were sent to President McKinley, and he was finally released. Folsom was once an influential citizen of Vermont, and nearly the entire congressional delegation from that state joined in the petition for his pardon.

The Bank of Commerce of Albuquerque was organized and incorporated May 14, 1890, opening for the transaction of business in June of that year. The incorporators were Willard S. Strickler, Mariano S. Otero, Albert Eisemann, Dr. George W. Harrison, Andrew W. Cleland, Jr., Ernest Meyers, Michael Mandell, William C. Leonard and William McIntosh. The original capital stock of \$50,000 was increased in 1892 to \$100,000, and again in 1905 to \$150,000. Andrew W. Cleland, Jr., was elected first president, Albert Eiseman, vice-president, and Willard S. Strickler, cashier. In January, 1892, Mr. Cleland was succeeded as president by Dr. George W. Harrison. Mariano S. Otero was elected to its presidency December 23, 1895, and upon his death was succeeded by Solo-





Colman Loring

tion Luna, who was elected February 4, 1906, to the summer session. Mr. Friesman as vice-president in January, 1906, died in 1882, and at the annual election in January, 1906, Mr. Strickler, who had been cashier since the organization of the bank in 1882, succeeded him, filling both positions. On January 1, 1906, the bank had deposits amounting to about one and a quarter millions of dollars. Its officers and directors are: W. J. Johnson, assistant cashier; W. J. Johnson, president; A. M. Blackwell, J. C. Baldridge, directors.

Wilhard S. Strickler, vice-president of the bank, was born in June, 1857, at Erie, Pa. He was educated in the public schools of Erie, Pa., and has been a resident of New Mexico since 1882. He was reared and educated in Kansas and in 1875 came to New Mexico to work as a bank clerk in Junction City. He remained there for a period of twenty years and soon after his arrival became cashier of the National Bank as teller. This institution was organized in 1882, and he served as its cashier from the date of its organization until 1901, when he organized the Bank of Commerce. He has been extensively in financial circles in the Territory, and his interests have been extended to various other lines. In the spring of 1906 he has a controlling interest in the *Evening Citizen* and is president of the publishing company. In the same year he organized the Albuquerque Lumber Company, which supplies the current to the city of Albuquerque, utilizing the refuse from the plant of the American Lumber Company in other fuel. He also expects to be able to utilize the refuse from the irrigation (underground) that will revolutionize the city of Albuquerque, contributing in large measure to the rapid and substantial growth of Albuquerque.

In his political views Mr. Strickler is a stalwart Republican and is one of the able leaders of the party. He served as treasurer of the county for two terms, and was city treasurer for seven years. He is now a member of the Republican territorial central committee and a member of the executive committee that secured the location of the American Lumber Company in Albuquerque. He is a very public-spirited and active citizen, who never indulges in fantastic theorizing as to means of general progress, but utilizes practical methods and the means at hand to produce the desired results in the line of advancement and improvement. He is a charter member and now one of the directors of the Commercial Club.

Solomon Luna is president of the Bank of Commerce at Albuquerque, and also a heavy real estate owner. His possessions include one hundred and thirty acres in Valencia county and eighty thousand acres in Socorro county. He holds under sixty-five government patents. He is the largest sheep owner in New Mexico, and his business affairs are of considerable importance.

Mr. Luna is a descendant of one of the oldest families in New Mexico. His great-grandfather, Juan Luna, received what is known as the Luna grant in 1716, with a capital of 1716, and it has been handed down from generation to generation. The grant comprises eighty thousand acres, extending from the Rio Grande to the Puerco river on the west, and includes the city of Albuquerque. It was established on this grant shortly after the death of Don Juan Luna.



Handwritten signature or name, possibly "Luna" or "Luna", written in a cursive script.

mon Luna, who was elected February 4, 1904. B. P. Schuster succeeded Mr. Eiseman as vice-president in January, 1895. The latter died in 1899, and at the annual election in January, 1900, Willard S. Strickler, who had been cashier since the organization of the bank, was elected to succeed him, filling both positions. On January 1, 1906, the bank had deposits amounting to about one and a quarter millions of dollars. The other officers and directors are: W. J. Johnson, assistant cashier; George Arnot, William McIntosh, A. M. Blackwell, J. C. Baldrige and O. E. Cromwell, directors.

Willard S. Strickler, vice-president and cashier of the Bank of Commerce of Albuquerque, was born in Junction City, Kansas, July 14, 1863, and has been a resident of New Mexico since the spring of 1883. He was reared and educated in Kansas and in 1879 entered upon his business career as a bank clerk in Junction City. He came to the Territory at the age of twenty years and soon after his arrival entered the old Albuquerque National Bank as teller. This institution was organized in July, 1884, and he served as its cashier from the date of its reorganization in 1887 until 1890, when he organized the Bank of Commerce. He has since figured prominently in financial circles in the Territory. His business activity has also extended to various other lines. In the spring of 1905 he purchased a controlling interest in the *Evening Citizen* and is now president of the company. In the same year he organized the Albuquerque Electric Power Company, which supplies the current to the city electric company, and he is utilizing the refuse from the plant of the American Lumber Company with other fuel. He also expects to be able to produce power for water for irrigation (underground) that will revolutionize irrigation and thereby contribute in large measure to the rapid and substantial upbuilding of Albuquerque.

In his political views Mr. Strickler is a stalwart Republican, recognized as one of the able leaders of the party. He served as treasurer of Bernalillo county for two terms, and was city treasurer for several years. He is now a member of the Republican territorial central committee, and a member of the executive committee that secured the location of the American Lumber Company in Albuquerque. He is a very public-spirited and active citizen, who never indulges in fantastic theorizing as to matters of general progress, but utilizes practical methods and the means at hand to produce the desired results in the line of advancement and improvement. He is a charter member and now one of the directors of the Commercial Club.

Solomon Luna is president of the Bank of Commerce at Albuquerque, and also a heavy real estate owner, his possessions including the Luna grant in Valencia county and eighty thousand acres in Socorro, principles held under sixty-five government patents. He is the largest development of sheep owner in New Mexico, and his business affairs are of great importance.

Mr. Luna is a descendant of one of the oldest Spanish families of New Mexico. His great-grandfather, Juan Luna, received what is known as the Luna grant in Sioux City, Iowa, as president of the Bank of Deming, operating a business, with a capital of \$500,000. John Sloat Fassett, of Elmira, New York, received the grant in 1716, and it has been handed down from father to son, and still holds that office. John Fassett owns and occupies the building for east to the Puerco river on the west. Lou H. Brown, who manages established on this grant shortly after the territorial.

Luna family. Here the great-grandfather of Solomon Luna was born, as were the grandfather and father. The last named was Antonio J. Luna, whose birth occurred in Las Lunas in 1810. There he lived and died. Although he had but limited educational privileges, he was a very active man in his time and became an extensive sheep raiser. During the fifties, while sheep were very cheap in New Mexico, he drove large flocks to California, where they brought a high price. His first trip was made in 1855, and he went again in 1856 and 1857, realizing extensive profits from this industry. He died in 1881, a very wealthy man. Gurrique Luna, the grandfather, however, had lost all he had in the way of stock through the depredations of the red men. A. J. Luna was married to Tranquilino Otero, who was born and reared in New Mexico and was descended from another of the old and prominent Spanish families. They became the parents of five children, three sons and two daughters, all of whom are now deceased with the exception of Solomon Luna and one sister. The mother departed this life in 1901.

Of the Luna grant, owned by Solomon Luna, thirty thousand acres lies in the irrigation district and is bottom land, capable of high cultivation. His business interests are extensive, making him one of the most prominent residents of the Territory. He is the largest individual sheep owner of New Mexico and figures in financial circles as president of the Bank of Commerce of Albuquerque, in which city he also has large real estate interests.

In politics Mr. Luna is a staunch Republican, having been reared in the faith of the party, while since attaining his majority he has given to it his unflinching and loyal support. He has often been called to fill public office. He has no desire for the emoluments connected therewith, but is glad to utilize the advantages which office holding gives him to promote the welfare of his party and the community. He has been a committeeman of the Territory for the past twelve years. Fraternally he is connected with the Elks of Albuquerque.

In 1882 Solomon Luna was married to Miss Adelaide Otero, representing one of the most prominent families of the Territory and a recognized leader in its social circles. He is a man of affairs in the Territory, wielding a wide influence, and the extent and importance of his business operations are proving an element in agricultural and financial development and prosperity.

The State National Bank of Albuquerque is one of the relatively new financial institutions of the Territory. It was incorporated March 17, 1904, through the efforts of J. B. Herndon. Those associated with him in its organization were O. N. Marron, Dr. Julius E. Kraft, I. A. Dye, Frank J. Cardwell, Dr. D. H. Carns, D. A. Macpherson, Dr. M. K. McDonald. The first officers were: President, O. N. Marron; vice-president, D. A. Macpherson; cashier, J. B. Herndon; assistant cashier, I. A. Dye. William Farr was elected to succeed D. A. Macpherson as president in January, 1906. The other officers have continued as mentioned. The directors are: William Farr, H. Strong, Dr. D. H. Carns, Jay A. Hubbs, I. B. Herndon. The bank has a capital of \$1,000,000, aggregating about half a million of



J. B. Herndon, cashier of the State National Bank at Albuquerque, has been identified with the banking interests of New Mexico since February 1, 1904, when he came to Albuquerque to organize the State National Bank. Born in Lafayette county, Missouri, January 28, 1867, he is a son of Dr. G. P. Herndon, of that county, and has spent most of his life in Texas. In 1889 he became assistant cashier of the First National Bank of Dublin, Texas, and afterward cashier of the People's National Bank of Ennis, Texas. His next position was that of cashier of the First National Bank of Comanche, Texas, whence he came to Albuquerque. In March, 1906, he assisted in organizing the American National Bank at Silver City, New Mexico, of which he is the vice-president. He is also interested in lumber yards at Deming, Silver City and Las Vegas; in a sawmill erected at Manzana in 1906, and is a stockholder in the O'Reilly Drug Company.

The Montezuma Trust Company, of Albuquerque, was incorporated May 8, 1903, and is the outgrowth of the Montezuma Savings, Loan and Building Association. The original company was capitalized at \$2,000,000. The charter of the present company authorized a capital stock of \$250,000, and of this \$100,000 is paid in. A. B. McMillen, J. C. Baldridge, M. W. Flournoy and W. H. Gillenwater were the incorporators, and the latter has been president since the organization of the concern. It transacts a general banking business.

The New Mexico Savings Bank and Trust Company of Albuquerque was chartered February 24, 1887, with a capital stock of \$50,000. This institution afterward became defunct.

The first banking concern to transact business in Deming was a private institution established in 1882 by Henry Raynolds, who conducted it as a private bank about eight months, when he sold it to Mr. Kinkaid. In 1883 C. H. Dane founded the Commercial Bank of Deming, purchasing the Kinkaid interests. In 1884 Mr. Dane organized the First National Bank of Deming, with a capital stock of \$50,000, which was doubled in 1888. The career of Mr. Dane as a banker left its mark upon all with whom he came in contact. He exhibited no conservatism, but, on the contrary, used the deposits in his bank to promote various uncertain enterprises, notably an immense ranch located on the Vermejo in Colfax county, and a big cattle company in Sierra county. His bank was closed by the controller of the currency February 3, 1892. His chief partners in the first organization were citizens of Lyndon, Vermont. When he increased his capital stock he associated with him Colonel J. P. McGrorty, John Corbett, Gustav Wormser, Charles Poe, Charles Jones and a few others residing in Deming and vicinity. Dane was the first postmaster at Deming and a very public-spirited and enterprising citizen; and had he possessed sound business principles he probably would have become a potential factor in the development of the southwest.

For four months following the closing of Dane's bank, Deming was without banking facilities. On June 10, 1892, the Bank of Deming, operating under the laws of New Mexico, opened for business, with a capital of \$30,000, and with Jonathan W. Brown, of Sioux City, Iowa, as president and his son, Lou H. Brown, as cashier. Jacob Sloat Fassett, of Elmira, New York, succeeded Mr. Brown as president, and still holds that office. John Corbett is vice-president. The bank owns and occupies the building formerly the property of the First National. Lou H. Brown, who manages

the concern, was chiefly responsible for its organization. He came to the Territory in 1884 as manager of an extensive cattle ranch owned by Mr. Fassett, his father, himself and others, and has since remained a resident of the Territory.

John Corbett, banker at Deming, Luna county, was born in New York city, April 4, 1848, and came to New Mexico in 1879, settling in Las Vegas. In 1882 he removed to Deming. He took up government land in the eastern part of the present town and established a soda bottling business, later extending the scope of his activity by embarking also in the ice business. For some time he was a partner in the Deming Ore Sampling Works and has also had some mining interests in New Mexico and in Chihuahua, Mexico. He is vice-president of the Deming National Bank. His business interests are thus extensive and important and show careful discernment as to investment and also as to the operation of the various interests with which he is connected. He is a man of resourceful ability, carrying forward to successful completion whatever he undertakes.

Mr. Corbett is a prominent Mason, having attained the Knight Templar degree of the York Rite, while he is also a member of the Mystic Shrine at Albuquerque.

The Bank of Deming was organized as a national bank in 1892, chiefly by Jacob Sloat Fassett, of Elmira, New York, through the agency of Lou H. Brown, a native of Elmira, who came to New Mexico in the fall of 1884 as superintendent for the Alamo-Hueco Ranch & Cattle Company, which had been organized by Mr. Fassett and other eastern capitalists. The directors of the bank are Jacob Sloat Fassett, John Corbett, A. C. Brown, Seaman Field and Lou H. Brown. Mr. Fassett is president, Mr. Corbett, vice-president; L. H. Brown, cashier, and Arthur C. Raithel, assistant cashier. The bank is capitalized for thirty thousand dollars. At the close of business July 3, 1905, its books showed deposits, subject to check, to be \$251,317.03, and loans and discounts \$126,132.83.

The Deming National Bank at Deming, Luna county, was organized in October, 1903, with a capital of twenty-five thousand dollars. The first president was T. M. Mingo of El Paso, who was succeeded by A. J. Clark of Deming, on the 1st of January, 1905. J. J. Bennett has been cashier and general manager of the bank since it was organized.

Mr. Bennett is a native of Mississippi, but was reared and educated in Texas. Early in life he engaged in the mercantile business in Elgin, Texas. He is recognized as a sagacious young financier, and through his efforts the Deming National Bank is rapidly taking a position among the substantial and progressive financial institutions of New Mexico.

The early history of the financial institutions of Silver City illustrates the "plunging" proclivities of some of the early financiers of the Territory. In 1880 Henry M. Porter and C. P. Crawford, under the firm name of Porter & Crawford, established a private bank, which soon afterward went into the hands of Mr. Crawford. This bank failed, after a meteoric career, in which a number of local investors lost heavily, in 1883. Soon after the opening of this institution Bradley & Son established the grant County Bank, which also failed, after a brief career. In July, 1886, the mercantile firm of Meredith & Ailman founded the Silver City National Bank, principally for the purpose, as it afterward appeared, of securing funds for the promotion of some of their private enterprises. H. M. Meredith was the



**The Bank of Deming,**



president and George D. Goldman was cashier. Meredith & Ailman's failure, on December 8, 1887, created intense feeling in Silver City, the depositors feeling that the management of the institution had been unnecessarily lax, and that no attempt had been made to protect them or the stockholders.

In 1885 C. H. Dane, who also conducted a bank in Deming, organized the First National Bank of Silver City, which failed at the same time that the Deming bank was forced to close. In September, 1892, he was indicted by the United States grand jury for wrecking the two concerns by the illegal use of their funds to the extent of \$181,000.

The Silver City National Bank has weathered all the financial storms which have fallen upon Silver City. It succeeded to the business of Meredith & Ailman, electing John Brockman as president, to succeed Meredith, and George D. Goldman as cashier. Brockman was succeeded as president by James W. Gillette, and he in turn was succeeded by W. D. Murray of Central City in 1901. John W. Carter, the present manager of the bank, has been its cashier since 1888. John C. Cureton is vice-president, T. L. Lowe is assistant cashier and Harry H. Kelley is teller. The bank has a capital stock of \$50,000, owns the building it occupies, which cost \$60,000, and is rated among the solid financial institutions of the Southwest.

The Silver City Bank, which operated about a year prior to the organization of the Silver City National Bank, was organized by Henry Lesinskey, who was chosen its president. Samuel Freudenthal was cashier and Harry Booth was assistant cashier. The bank went into liquidation immediately prior to the organization of the existing bank.

John W. Carter, cashier of the Silver City National Bank at Silver City, was born in St. Louis, Missouri, in 1854, and is a descendant of the well known Virginian family of Carters. His parents were Walker Randolph and Rebecca (Shreve) Carter. The father of Mrs. Carter was the founder of Shreveport, Louisiana.

John W. Carter was reared and educated in his native city, pursued a three years' course in the Episcopal institute at Burlington, Vermont, and attended Washington University, in which he completed a course in 1873. He entered upon his business career in connection with the Belcher Sugar Refining Company, of St. Louis, and was afterward with the Simmons Hardware Company of that city. He came to New Mexico in 1879, locating in Silver City with the intention of entering the hardware business here, but, instead, turned his attention to banking and was identified with various banking interests until 1888, when he became cashier of the Silver City National Bank, acting since that time as cashier and manager. He is a well known representative of financial interests and has inaugurated a safe, conservative policy in this bank which has awakened uniform confidence and gained him a large patronage.

In 1889 Mr. Carter was married to Miss May Allen, a native of Iowa, and they have one daughter, Ruth. From his boyhood days he has been a member of the Episcopal church and has served as vestryman in Silver City. He has also been town treasurer for seven years and is interested in those public measures and movements which are justly a matter of civic pride and civic virtue.

The American National Bank of Silver City is the latest financial institution to be organized in New Mexico. It was incorporated March 2,

1906, with a capital stock of \$50,000, and opened its doors for business a few days later. J. B. Herndon, cashier of the State National Bank of Albuquerque, was the prime mover in its organization. The first directors were C. C. Shoemaker, R. M. Turner, Arthur S. Goodell, T. M. Jones, A. F. Lee, A. F. Kerr and J. B. Herndon. C. C. Shoemaker was elected president, R. M. Turner and J. B. Herndon, vice-presidents, and A. F. Kerr, cashier.

The first banking institution to be organized in Doña Ana county was the Doña Ana County Bank of Las Cruces, which was incorporated under the laws of New Mexico in 1881 by A. H. Reynolds and others, Mr. Reynolds being the head of the institution. He sold his interest to D. M. and J. M. Evans, who conducted the bank under the name of Evans Brothers until 1883, when they made an assignment.

In that year H. D. Bowman, who was then engaged in the real estate and insurance business in Las Cruces, purchased the fixtures of the old bank, and in 1884, in company with his father, George D. Bowman, and his brother, George R. Bowman, began accepting deposits for the accommodation of the business men of Las Cruces. A few weeks later the firm of George D. Bowman & Sons, bankers, was regularly organized for the transaction of a general banking business. This association continued until 1894, when H. D. Bowman purchased the interest of his brother, the business being thereafter continued under the name of George D. Bowman & Son until 1903, when H. D. Bowman purchased from the heirs the interest of his father, who had died in 1902. H. D. Bowman is now the sole owner of the business, which was incorporated under an act of 1899, and which is conducted under the style of Bowman's Bank. For twenty-one years this was the only bank in Doña Ana county.

George D. Bowman, for many years the head of this concern, was born in Wilkesbarre, Pennsylvania, March 11, 1827, and was descended from old English stock, the family having been founded in Boston in 1630. His paternal grandfather, Ebenezer Bowman, served in the Revolution, participating in the Battle of Lexington. He finally removed to Wilkesbarre, where he practiced law until his death in 1830. His son, James Watson Bowman, father of George D., was a graduate of Harvard and a lawyer of note in Pennsylvania. George D. Bowman removed to Minnesota in 1850, soon afterward becoming editor of the *St. Anthony Express*. He gave the city of Minneapolis its name. He afterward conducted influential newspapers in Pennsylvania until 1876, when President Grant appointed him first register of the Mesilla land office, now the Las Cruces land office. He was reappointed by President Hayes, serving in all eight years. In the meantime he and his son, H. D., established themselves in the real estate and insurance business, George R. Bowman becoming clerk of the district court. Mr. Bowman was a staunch Republican and active in the Episcopal church, in which he served as warden. H. D. Bowman has served continuously for nine years as receiver of the land office at Las Cruces, in connection with his banking interests. He is known as one of the most sagacious financiers of the Territory.

The first banks to start in business in Raton enjoyed a comparatively brief career. The Citizens' National and the Bank of Marcy, Geer & McCann consolidated in the early '80s and continued business until July 1, 1904, when the concern was sold to the First National Bank, which was chartered April 26, 1892. The present bank was organized by C. N. Blackwell,

with a capital stock of \$50,000, paid in, and was opened for business May 1, 1892. The capital stock was increased to \$75,000 July 1, 1900; and again increased to \$100,000 July 1, 1904, to enable it to purchase the business and assets of the Citizens' National. At that time it was moved into its present commodious quarters. When the bank was organized Captain William M. Eads was made president and C. N. Blackwell, cashier; a few years later Captain Eads was succeeded by Charles Springer, who was succeeded by Henry Goke, who has continued to act as president since that date. The directors are Mr. Goke, Mr. Blackwell, John Jelfs, the vice-president; William T. Degner, John Van Houten, A. G. Dawson and James K. Hunt.

Christopher N. Blackwell, cashier of the First National Bank of Raton, New Mexico, was born in Carroll county, Missouri, April 20, 1847, son of A. C. and Eliza Ann (Earickson) Blackwell, of that state. After receiving a common school education young Blackwell entered the employ of Chick, Browne & Co., in a wholesale and forwarding business, first being located at Kit Carson, Colorado, in 1873. In 1879 he came to New Mexico. After being with the firm of Chick, Browne & Co., which was succeeded by Browne & Manzanera Co., for twenty years, he severed his connection with them to engage in banking, and helped organize the San Miguel National Bank of Las Vegas. In 1892 he organized the First National Bank of Raton, and was elected cashier, and has continued to hold that position.

Mr. Blackwell was initiated into the mysteries of the ancient and honored order of Masonry in Missouri in 1870. In 1881, while a resident of Socorro, he assisted in the organization of Socorro Lodge No. 9, A. F. and A. M. He was elected grand master in 1886 and grand commander, K. T., in 1903. He is a charter member of Ballut Abyad Temple, A. A. O. N. M. S., at Albuquerque. Also, Mr. Blackwell is prominent and active in church work, being a trustee and treasurer of the Presbyterian church of Raton.

He was married January 22, 1879, to Miss Ruth A. Browne, daughter of Lawrence P. Browne, of Las Vegas, and they have two children—Elizabeth and Marion.

The first banking house to be established in Socorro was organized in 1881, and was known as the Socorro County Bank. It was a private enterprise, and closed its doors in 1889.

In February, 1882, John W. Terry founded the First National Bank under sanction of the federal authorities. This bank also had a brief career. After the closing of this institution a Mr. Moore started the Bank of Socorro, which likewise enjoyed but a brief run. In 1890 the mercantile firm of Browne & Manzanera established a private bank in connection with their general store, afterward converting it into a national bank. It was not successful, the stockholders being compelled to pay off the depositors when it closed its doors. Contemporaneous with the latter was the Socorro National Bank, which failed a few years after it began operations. Soon afterward J. M. Tyler started a private bank, which closed about a year later. For several years Price Brothers, general merchants, have conducted a private bank in connection with their store. In February, 1906, Joseph Price obtained a charter and established a new bank, which is now the sole financial institution in Socorro. It is the

Socorro State Bank, which was incorporated April 5, 1906, with Joseph Price as president, C. T. Brown as vice-president and Edward L. Price as cashier. The bank was chartered under the laws of New Mexico with a capital stock of \$30,000. Beside the officers named the directors are James G. Fitch and M. Loewenstein. Joseph Price, the president of the bank, located in Socorro in 1880, and with his brother, Morris Price, now in business in Roswell, established a general mercantile business under the firm style of Price Brothers. In 1884 M. Loewenstein was admitted to the firm, the name of which was changed to Price Brothers & Company. January 1, 1906, Joseph Price sold his interest to M. and Leo Loewenstein, who now conduct the business under the style of Loewenstein Brothers. Joseph Price did not become a permanent resident of the Territory until 1887, since which time he has resided in Socorro. In 1888 Morris Price sold his interest in the firm to Joseph Price and retired from the business, leaving the latter and M. Loewenstein as proprietors.

The Bank of Dayton was incorporated under the laws of the Territory October 11, 1895, with a capital stock of \$30,000 paid in. A. H. Kent of Dayton has charge of the business.

The first banking house in Sierra county was established at Kingston in 1882 by Vincent Wallace. In 1884 he sold his interest to J. W. Zollars and Norman Raff, who continued in business in Kingston until 1890. In 1889 J. W. Zollars and William H. Bucker established the Sierra County Bank at Hillsboro, which is still in operation.

The first banking house in Gallup was established by Lilly in 1892, and was a small private undertaking. It was not successful, there apparently being no demand for local banking facilities, and at the end of about six months it was closed.

The McKinley County Bank, the only other financial establishment of Gallup, was incorporated under the territorial laws of July 7, 1904, by Edward Hart, O. N. Beasley, P. M. Wells and Perry O. Wells, with a capital stock of \$30,000. Edward Hart, the first president, was succeeded in that office by C. N. Cotton, the present head of the bank. O. N. Beasley has been cashier since the date of organization.

Edward Hart, a hardware merchant of Gallup and one of the representative citizens of western New Mexico, came to the Territory in 1883, accompanying to San Miguel county an English corporation known as the Dambmann Cattle Company, which purchased of Campbell & Austin a big cattle ranch at Tierra Blanca near Liberty. For about a year he acted as secretary for C. F. W. Dambmann, the active head of the corporation, after which he was employed as clerk by Gross, Blackwell & Company in their store at Liberty, where he remained for three years. In 1887 he removed to Gallup and became a clerk for Gus Mulholland, then proprietor of a general store. Soon afterward he became Mr. Mulholland's partner. In 1889 he established his present hardware and implement business, which in 1906 he housed in a commodious new concrete stone structure, one of the finest in New Mexico west of Albuquerque.

In July, 1904, Mr. Hart and others organized the McKinley County Bank, of which he was the first president. Since January, 1906, he has been vice-president. He was chairman of the first board of county commissioners for McKinley county, organized in January, 1900; was the first town clerk of Gallup and a member of the first town board. From



1890 until 1902 he served as United States commissioner and is now United States court commissioner in charge of the public land business in the county.

Mr. Hart was born in Liverpool, England, and in that city, in 1883, was made a Mason. Upon the organization of Lebanon Lodge No. 22, A. F. & A. M., of Gallup, he became a charter member. In 1889 he married Susanna Owen Roberts, also a native of Liverpool. They have two daughters, Ida and Edith. Mr. Hart owns one of the finest homes in Gallup, which he erected.

The National Bank of Carlsbad is the successor to the S. T. Bitting bank, which was incorporated under the laws of the Territory in 1899 by S. T. Bitting and others. In July, 1903, it was reorganized under the federal laws and incorporated as the national bank of Carlsbad with a capital stock of thirty thousand dollars. S. T. Bitting, the chief moving spirit in the enterprise, has been its president since the date of incorporation. It has deposits aggregating about one hundred and twenty-five thousand dollars. The other officers are Morgan Livingston, vice-president; H. A. Houser, cashier; and S. T. Bitting, Morgan Livingston, J. O. Cameron, H. A. Houser and E. Hendricks, directors.

Mr. Bitting, the president, has been identified with Eddy county since 1892. For many years before locating permanently in New Mexico he was interested extensively in the cattle industry in Texas. In 1885 he formed a partnership in that business with Samuel B. Smith, a relation that is sustained at the present time. In April, 1892, he engaged in the dry-goods trade in Carlsbad, his business being one of the most important mercantile enterprises in the Pecos valley. In 1901 he sold his business to E. Hendricks and engaged again in the stock industry, devoting his energies in this line principally to Hereford cattle and maintaining about four thousand head on the range in eastern New Mexico and Texas. For ten years he has been connected with the Texas Cattle Raisers' Association. He is regarded as one of the most safe and solid financiers and business men of the Pecos valley.

The First National Bank of Carlsbad was organized in the spring of 1905, with a capital stock of \$25,000, which has since been increased to \$50,000. H. J. Hammond, the first president, was succeeded by John R. Joyce; C. W. Cowden, the first vice-president, was succeeded by F. G. Tracy; and A. J. Crawford, the first cashier, was succeeded by George M. Cooke. The bank owns the building which it occupies.

The Bank of Roswell was organized by E. A. Cahoon as a territorial institution in 1890, with a capital of fifty thousand dollars. At the time of the opening of the bank there were not more than five hundred people in the entire county, the area of which at that time was much greater than at present, as portions of new counties have been taken from it in later years. The institution became a national bank in September, 1899, under the title of the First National Bank of Roswell, W. H. Godair, of Chicago, being elected president; A. Pruitt, of the firm of Joyce-Pruitt, of Roswell, as vice-president; and Mr. Cahoon was continued in the capacity of cashier. At the time of the conversion of the Bank of Roswell into a national system the deposits were two hundred and fifty thousand dollars, and since that time they have increased to seven hundred and fifty thousand dollars, having grown threefold within seven years. The surplus has increased in

like proportion, being at the present time in round figures one hundred and fifty thousand dollars, or the largest surplus of any bank in New Mexico or Arizona.

The executive officers since its conversion into a national system have remained the same to the present time. The success of the bank can be attributed largely to the ability and force of the cashier, Mr. Cahoon, who has been with the institution since its organization. He was born August 20, 1862, in Lyndon, Caledonia county, Vermont, of which town his ancestors were the original owners and first settlers, having located there prior to the Revolutionary war, at which time they removed from Providence, Rhode Island. They were related to Roger Williams, and the early representatives of the family in America were likewise among the first settlers of Providence.

Reared in New England, Mr. Cahoon completed his education by graduation from Amherst College, at Amherst, Massachusetts, in the class of 1883, and after spending a year in Minneapolis, Minnesota, he came to New Mexico in November, 1884, and was engaged in the cattle business in San Miguel and Colfax counties for three years. In July, 1887, he became connected with the Albuquerque National Bank, at Albuquerque, New Mexico, first as collector and afterward as teller. In July, 1890, however, he resigned his position in that institution and organized the Bank of Roswell, in Roswell, New Mexico. This bank he managed and conducted for nine years, when it was nationalized and is now being carried on as the First National Bank of Roswell, of which he is still cashier and manager of all its affairs, while W. H. Godair, of Chicago, is president. This bank has the largest surplus and undivided profits account, in proportion to its capital, in the southwest, and is considered as solvent a bank as any in the country, a fact which is largely due to the efforts, business capacity and thorough understanding of the banking business of its present efficient cashier.

The citizens Bank of Roswell, operating under the laws of New Mexico, was chartered November 15, 1900, and continued to transact business under the territorial banking laws until April 20, 1903, when it was reorganized and became a national bank, changing its title to Citizens National Bank of Roswell, and opening for business June 11, 1903. It has a capital stock of \$50,000, and owns the building it occupies. John W. Poe, its president, is widely known as one of the most prudent business men of New Mexico. John Shaw is vice-president, and Nathan Jaffa is cashier.

The name of John W. Poe is a familiar one in New Mexico and he who bears it needs no introduction to the readers of this volume, for his life history is interwoven with the annals of the Territory, and along many lines of activity his efforts have been a beneficial factor for its development, for commercial prosperity and for the political and legal status of the communities with which he has been identified. His prominence in the development of the southwest has made him a notable figure in this part of the country and at all times he has commanded, merited and enjoyed the respect, confidence and good will of his fellowmen.

A native of Kentucky, Mr. Poe was born in Mason county on the 17th of October, 1850. His education was acquired in the public schools of his native county, his attention being given to the mastery of his studies



John W. Po





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*John W. Fox*

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during the winter seasons, while in the summer months he worked at farm labor. Ambitious to make his own way in the world, without the consent of his parents he left home at the age of sixteen years and made his way to Kansas City, Missouri. He subsequently traveled southward to Fort Griffin, Texas, where he arrived in 1872, and since that time he has been continuously connected with the southwest in its various phases of development, co-operating in many movements and lines of activity that have had direct bearing upon the substantial growth and progress of this section of the country. His life has been characterized by unremitting industry and diligence and he has never been known to shirk any task that has devolved upon him. In the fall of 1875 he entered a new field of endeavor—that of buffalo hunting. Forming a partnership with a Mr. Jacobs, he secured a hunting outfit and carried on that business until the early summer of 1878. Mr. Poe was a good shot and did the shooting for the outfit, killing twenty thousand buffaloes himself. He killed seven thousand at one camp and sold six thousand forty-one buffalo hides in one pile. The business proved profitable and in 1877 the firm extended the scope of its activity by purchasing a flock of sheep, Mr. Jacobs taking charge of the flock, while Mr. Poe continued buffalo hunting. During the second winter, however, more than one-half of their sheep were lost on account of the severity of the weather and the following spring the remainder were sold, but the loss was a heavy one. During the buffalo hunt they were frequently harassed by the Indians and always expected trouble during the "light of the moon." Once they stole everything which Mr. Poe had, leaving him afoot two hundred and fifty miles out on the plains away from any settlement.

In 1878 Mr. Poe returned to Fort Griffin and for one year filled the position of town marshal by appointment. Fort Griffin was situated on the cattle trail and the wild, rough life of the country made the position a very arduous one, requiring men of physical as well as moral courage to cope with the desperadoes. The country, however, was rapidly becoming civilized and in 1879 Mr. Poe removed to Fort Elliott in Wheeler county, Texas, where he served as deputy sheriff and deputy United States marshal. Again there were many tests in which his bravery and fidelity were never found wanting. In 1879 he was nominated for sheriff of Wheeler county, but was defeated by one vote, the lawless element voting solidly against him, for they recognized that he stood for law and order and was fearless in the performance of his duty. The cattle men then employed him to assist in protecting their interests. The gang under the leadership of Billy the Kid had been making raids across into Texas, so in the spring of 1881 the cow men sent Mr. Poe to New Mexico to see if he could not break up that gang. He reported to Pat Garrett, then sheriff of Lincoln county, New Mexico, recently United States collector of customs at El Paso, Texas. They soon formed a close friendship and worked well together. They were together when Sheriff Garrett killed Billy the Kid at Fort Sumner. Mr. Garrett refused to become a candidate for re-election, so Mr. Poe was chosen his successor in 1882 and was re-elected in 1884 with only one hundred and ninety-six votes against him in the entire county. He had demonstrated his worth and ability and the consensus of public opinion was favorable and his fellow citizens thus gave him their endorsement. There was still much lawlessness in the county, and two of Mr.

Poe's deputies, John Hurley and Jasper Corn, both brave men, were killed while in the discharge of their duty.

While serving as sheriff of Lincoln county Mr. Poe became connected with one of the most important sources of revenue to the Territory—that of cattle raising—forming a partnership for this purpose in the spring of 1882 with Frank M. Goodin, under the firm name of the Poe & Goodin Cattle Company, of which Mr. Poe acted as manager until they sold out in 1885, having in the meantime realized a handsome profit from their investment and labors. The following year Mr. Poe made an extended trip through South America, where he gained some valuable information on the subject of irrigation. On his return he purchased five hundred and seventy-five acres of raw land near Roswell, which he converted into one of the finest stock farms of the country. It is today a part of the famous L.F.D. stock farm.

In 1890 Mr. Poe turned his attention to the banking business, becoming one of the organizers and extensive stockholders of the Bank of Roswell. In 1893 he was chosen president, which position he held until he sold his interests in the institution. In 1894 he erected the building now occupied by the First National Bank of Roswell and he sold it when he disposed of his stock in the bank. In 1900 he announced that he would organize a bank with a capital of fifty thousand dollars, it being his intention to retain a controlling interest. Almost at once, however, he had applications for over one hundred thousand dollars of the stock. As a result the Citizens National Bank was organized with John W. Poe as president and on the 15th of November, 1900, opened its doors for business. The institution has had a steady growth and is regarded as one of the safe financial enterprises of the Territory. On the 9th of January, 1906, he was elected by the directors for the seventh time as president of the institution, which under his guidance has enjoyed an era of prosperity that is most gratifying to stockholders and is an indication of the business capacity, sound judgment and keen discrimination of the chief executive officer.

On the 5th of May, 1883, was celebrated the marriage of Mr. Poe and Miss Sophie M. Alberding, a native of California. They have lost their only child, a son. Theirs is one of the beautiful and attractive homes of Roswell and its hospitality forms one of its most pleasing features. Mr. Poe is a prominent Mason and is well informed concerning the teachings and tenets of the craft. He was the first man to be initiated after the organization of the lodge at Fort Griffin, Texas, was the first on the team to go through when a chapter of Royal Arch Masons was organized in Roswell and was the first to receive the commandery degrees in Roswell. He has filled many offices in the craft and has attained the thirty-second degree of the Scottish Rite. He is thoroughly in sympathy with the teachings and purposes of the order and in his life has exemplified its beneficent principles and its spirit of brotherly kindness and helpfulness. As a pioneer settler the history of New Mexico is familiar to him from the days when life here was fraught with excitement and danger. With high ideals of manhood and of citizenship he has stood fearlessly for the right when it required great personal courage to do so and has been the champion of law and order, of progress and improvement. He has prospered be-



cause he has displayed strong business qualifications and enterprise combined with a ready recognition and utilization of opportunity.

John Shaw, living a mile and a half northeast of Roswell, where he has thirty acres devoted to fruit and alfalfa, is also the owner of a large cattle ranch on which he has three thousand head of cattle, and he is likewise interested in other business enterprises, being vice-president of the Citizens National Bank of Roswell. He came to the Territory in 1876, making his way to Santa Fé in company with Henry McBroom and Dan Sawyers, who had a contract from the government to survey the Spanish grants in the northern part of the Territory. The work of the United States was to survey these grants and segregate the grants from the government land, and Mr. Shaw was actively engaged in survey work for eight years. In the winter of 1876-77 he surveyed in the Pecos valley near Seven Rivers and north near Fort Sumner. On leaving the surveying service in 1884 he turned his attention to the stock business sixty miles north of Roswell and has since been identified with the cattle interests in the Territory, having three thousand head upon his ranch. He resided there until 1900, when he removed to Roswell. His home is now pleasantly located one and a half miles northeast of the town upon a farm of thirty acres, which is devoted to the cultivation of fruit and alfalfa, and in addition to its management he is acting as vice-president of the Citizens National Bank.

The Roswell National Bank, from which sprang the American National Bank of Roswell, was organized April 9, 1903, with a capital stock of \$50,000. Its officers were: President, Jeremiah McCluskey; cashier, C. B. McCluskey. Many changes in the management of the institution occurred before its directors sold the institution to the American National, which was chartered January 15, 1906, with a capital stock of \$50,000 and these officers: President, George M. Slaughter; vice-presidents, John W. Warren and J. W. Rhea; cashier, H. P. Saunders; directors, George M. Slaughter, C. C. Slaughter, John W. Warren, John W. Rhea, W. P. Lewis, J. G. Hedgcoxe and H. P. Saunders.

J. G. Hedgcoxe, a man of wealth and influence whose labors have been of direct and immediate serviceableness in the development and promotion of the southwest, came from Texas to Roswell, November 24, 1899, exchanging property in the Lone Star state for interests in the Territory. He has one and a half acres of land within the city limits of Roswell, which was planted for the first time in 1900, and in the year 1905 he gathered therefrom five crops of alfalfa, without any surface irrigation, the average production being five tons to the acre. The prospects are very bright for the future in this valley, as modern scientific farming has shown the possibilities of development here. Mr. Hedgcoxe belongs to that class of citizens who are a valuable acquisition to the district, for he has both wealth and influence—qualities which are essential to the development of the Territory. He is a director in the American National Bank of Roswell and is a very active man of keen business insight and ready recognition of opportunities, using the various advantages which come to him, and while promoting individual prosperity also advances the general welfare.

John W. Rhea, interested as a partner in the W. E. Pickard Company, is closely associated with the agricultural development of New Mexico. The ranch of the company is located in Reeves county, Texas, eighteen

miles south of Toyah Station on the Texas Pacific Railroad. The company is composed of Roswell people, all save J. E. Rhea, of Bovina, Texas, the other partners being J. W. Rhea, H. R. Morrow, H. L. Gill and John W. Warren, all of Roswell, while E. D. Balcom is general manager and resides upon the ranch at Brogado, Texas. The officers of the company are H. R. Morrow, president; J. W. Rhea, vice-president, and E. D. Balcom, general manager and treasurer, while the other stockholders, together with the officers, are directors of the company. The company is irrigating its land, comprising forty-two hundred acres in a single tract, of which sixteen hundred acres is under cultivation. There is a canal fifteen miles long from Toyah Springs, and in the year 1906 one thousand acres has been planted to cotton. They also raise alfalfa and Indian corn and are now setting out a commercial orchard, the land being especially adapted for the production of pears, peaches, apples and grapes, one hundred acres being planted to fruit in the present year—1906. They have sufficient water power to develop one hundred horse-power and they have their own gin, operated by water power. This company purchased its present holdings in January, 1906, and are now operating extensively in the line of agricultural and horticultural development, with every indication for success.

J. E. and J. W. Rhea are also owners of a cattle ranch thirty-five miles north of Portales in Quay county, New Mexico. They run about six thousand steers there. The ranch adjoins the Texas line, and adjoining this in Texas they have fifty thousand acres, being the first purchasers from the Capital Syndicate Company of Texas. The brothers located this ranch in 1885, and it has been a paying property. In December, 1904, John W. Rhea removed to Roswell, where he has since resided, and has become a factor in its financial and commercial interests, being now the vice-president of the American National Bank and a stockholder in the Roswell Trading Company. He is active in the development of the rich natural resources of the Territory, and in business circles he has wielded a wide influence.

The First National Bank of Artesia was organized in August, 1903, and opened for business February 2, 1904. The capital of \$25,000 is fully paid and a surplus of \$1,500. The present management took charge of the bank July 15, 1904. During the first month of its existence the deposits amounted to \$20,000. When the present management took charge there were \$45,000 deposits; now the deposits are \$150,000, with a \$5,000 surplus and \$2,500 undivided profits. The officers are: S. W. Gilbert, president, one of the founders; Charles S. Hoffman, first vice-president; K. C. Smith, banker of St. Francisville, Louisiana, second vice-president; R. M. Ross, cashier, one of the founders and the first president; and L. R. Gaidry, assistant cashier. The directors are S. W. Gilbert, R. M. Ross, L. R. Gaidry, Charles S. Hoffman, John S. Major, K. C. Smith, E. A. Cahoon and Olin H. Ragsdale.

The Hagerman National Bank was opened for business December 7, 1904, with J. W. Warren, president; H. J. Hagerman, vice-president; and W. M. Waskom, cashier. The charter was issued December 6, 1904. The capital stock was \$25,000. The present officers are: J. W. Warren, president; E. A. Cahoon, vice-president; and W. M. Waskom, cashier. The directors are E. A. Cahoon, L. Wallace Holt, George M. Slaughter, John W. Warren and W. M. Waskom. The deposits are \$100,000, and surplus and undivided profits are \$2,000. The bank is located in its own building.

The Bank of Artesia was organized February 7, 1905, with a capital stock of \$30,000. Its officers are: J. C. Gage, president; A. V. Logan, vice-president; A. L. Norfleet, cashier; and John B. Enfield, assistant cashier, with E. N. Heath, J. K. Walling and A. T. Gunter as directors. The deposits are \$106,000.

The First National Bank of Alamogordo, chartered November 1, 1899, began business in February, 1900, with a capital stock of \$36,800, and the following officers: President, H. J. Anderson; vice president, Charles B. Eddy; cashier, Benjamin Sherrod. The incorporators were men identified with the construction of the El Paso-Northeastern Railroad, who erected the building occupied by the bank. H. J. Anderson, the chief stockholder, has filled the office of president continuously since its organization. William J. Bryson, the present vice president, succeeded Charles B. Eddy, and T. L. Lane, the cashier, succeeded Benjamin Sherrod. The directors are: Henry J. Anderson, William J. Bryson, A. P. Jackson, C. L. Meyer and F. M. Rhomberg.

Henry J. Anderson, president of the First National Bank of Alamogordo, who, since 1899, has been one of the potential factors in the development of the town and of Otero county as well, is a native of New York city, where his education was acquired. Early in life he entered the War department at Washington, D. C., in a clerical capacity, and for several years lived in the capital, being employed in the government service. Later he became interested in banking, and from 1878 until 1893 was a national bank examiner and receiver, and in this capacity wound up the affairs of several national banks which had gone into liquidation. In 1887 he was sent out as expert accountant and special examiner with the United States Pacific Railway commission under appointment by President Cleveland to investigate the Central, Union and Southern Pacific railroads, bonded by the United States government.

In 1889 Mr. Anderson went to Scranton, Pennsylvania, as vice-president of the Lackawanna Trust & Safe Deposit Company, continuing there in that capacity until 1899, when he came to Alamogordo to establish the First National Bank, which has become known as one of the most solid and reliable financial concerns of the Territory. He has been its president since its organization. The bank was established upon a safe, conservative policy that has awakened uniform confidence and secured a large patronage. His previous experience in the business and financial world well qualified Mr. Anderson for this undertaking, and he has enlarged the scope of the institution along safe and modern lines of progress and improvement. Interests relating to the welfare and development of the city receive his endorsement, support and co-operation. He is active in the Episcopal church, and was one of the chief builders of the house of worship in Alamogordo.

The First National Bank of Las Cruces has been in operation only since May 13, 1905, at which time it was incorporated with a capital stock of \$25,000 by Nicholas Galles, and others. Mr. Galles has been president since the date of organization. Dr. Nathan Boyd, the first vice-president, was succeeded by J. S. Woodhull. Fay Sperry is the cashier. The directors are the three officers and J. P. Mitchell and R. M. Mayes. In the winter of 1905-6 the bank erected a two-story fire brick building.

The Bank of Springer, chartered by the Territory November 16, 1905, with a capital stock of \$30,000, succeeded to the business of the private bank of Andrew Morton, and is an institution which the residents of the southern part of Colfax county have needed for some time. Dennis J. Devine is its manager.

The Citizens' National Bank of Alamogordo was organized June 13, 1906, with \$30,000 capital stock and these directors: A. Hunter, James Hunter, Jacob Snover, C. E. Mitchell, Perry Kearney, H. M. Denney, Oliver M. Lee, Bert Seamans and J. L. Lawson. A. Hunter was elected president, Jacob Snover vice-president, and Bert Seamans cashier.

The first bank to be organized in what is now San Juan county was located at Aztec, and was known as the San Juan County Bank. It was established by Robert C. Prewitt and others in 1893, but went into liquidation January 1, 1897. Judge Samuel D. Webster was president, Frank M. Pierce was vice-president, and Charles V. Safford was assistant cashier. Mr. Prewitt, who was the chief stockholder, was cashier and manager of the bank during its life.

The second banking house established in San Juan county was conducted in connection with the San Juan Stores Company by R. C. Prewitt and others. The Citizens' Bank, of Aztec, is the third in the county. It was chartered under the territorial laws December 23, 1904, with a capital stock of \$15,000. Colonel W. H. Williams is president, J. R. Williams is vice-president, and T. A. Pierce is cashier and manager.

Colonel William H. Williams, a merchant of Aztec, came to this place in 1890 and purchased a stock of goods from J. A. Koontz. A native of Kentucky, he was born in Rock Castle county, March 18, 1835. He entered business life on his own account in March, 1856, in Carthage, Illinois, and was thus engaged until July, 1861, when he joined the Second Illinois Cavalry and served until the close of the war, being mustered in as orderly sergeant. He was on active duty in western Kentucky, western Tennessee, Mississippi, Louisiana and Missouri, and resigned his commission as first lieutenant at Baton Rouge on the 21st of May, 1864. A few days after his return home Bill Dunn, Bill Anderson and other notorious characters went into the town on a raid and Colonel Williams accepted command of a new company organized for home protection, and at once was made colonel of the First Regiment of the Van Buren County (Iowa) Militia for protection of the Missouri and Iowa border. In August, 1864, he removed to Milton, Iowa, and three years later became a resident of Osage Mission, Kansas, where he remained for fourteen years. He left there in January, 1881, for Silver Cliff, Colorado, and subsequently was at Bonanza, Colorado, and afterward at Grand Junction and at Gunnison, Colorado, whence he came to Aztec in 1890. He has since been closely identified with mercantile interests here. In politics he is a Republican, but not active as a worker in the ranks of the party. Socially he is connected with the Ancient Order of United Workmen.

R. C. Prewitt, engaged in the insurance business in Farmington, where he located in 1883, came from Missouri to New Mexico. Subsequently, however, he returned to Kentucky and was graduated in law from the Missouri University. He was afterward admitted to the New Mexico bar, and in 1885 he established an insurance agency in Durango. He has since figured prominently in various interests of importance to the busi-





First National Bank Tucumcari.

ness community, and in 1893 opened at Aztec the first bank in San Juan county, known as the San Juan County Bank, which went into liquidation January 1, 1897. Mr. Prewitt was the pioneer insurance man in San Juan county, and as representative of life and fire insurance companies has controlled the leading business in his line.

The First National Bank of Tucumcari succeeded to the business of the Exchange Bank of Tucumcari January 6, 1902, and was organized as a national bank June 9, 1902. Frank P. Harmon is president, A. B. Simpson is vice-president, W. F. Buchanan is cashier, and Earl George is assistant cashier. The capital stock is \$25,000, and the deposits exceed \$100,000.

W. F. Buchanan, cashier of the First National Bank of Tucumcari, on coming to the Territory located at Portales, where he established the First Exchange Bank of Portales, which was later merged into the Bank of Portales. In January, 1901, upon the organization of the town, he came to Tucumcari and opened the Exchange Bank of Tucumcari in 1902. It has since been merged into the First National Bank of Tucumcari. He is president of the Tucumcari Commercial Club, and is a man of keen business enterprise, of marked sagacity and foresight, qualities which enable him to recognize the opportunities for development here, to take cognizance of the natural resources of the country and to improve the possibilities which are everywhere evident. His co-operation has been a valued and effective force in public progress.

The Guadalupe County Bank, at Santa Rosa, was organized December 9, 1901, by H. B. Jones, L. M. Shely, J. J. Moise and C. H. Stearns, under the laws of the territory. About the same time Jefferson Reynolds and others secured a charter for an institution called the First National Bank of Santa Rosa, and it was thought two banks would soon be in operation; but an agreement was reached by which the charter of the National Bank was transferred to the organizers of the Guadalupe County Bank, and the two concerns were merged into the First National Bank of Santa Rosa.

The Bank of Portales was organized March 16, 1902, by J. B. Sledge, with a capital stock of \$30,000, under the laws of the Territory. J. B. Sledge is president and cashier, R. F. Sledge is first vice-president, and J. H. Gee is second vice-president.

The First National Bank of Portales was organized in 1902 by W. O. Oldham, C. O. Leach and W. E. Lindsey, with a capital stock of \$25,000 and these officers: President, C. O. Leach; vice-president, W. E. Lindsey; cashier, W. O. Oldham; assistant cashier, W. A. Davis; directors, C. O. Leach, W. E. Lindsey, W. O. Oldham, A. W. Rockefeller, E. J. Neer and G. W. Carr.

George L. Ulrich, vice-president of the Exchange Bank at White Oaks, dates his residence here from 1880. He is a native of Louisiana, but for the past twenty-six years has made his home in New Mexico. After coming to the Territory he engaged in the cattle business and dealt in live stock continuously for twelve years, when, in 1892, he joined with other substantial citizens in the establishment of the Exchange Bank, which was organized under the laws of the Territory at White Oaks, the stockholders being Jefferson Reynolds, J. W. Zollars, John Y. Hewett, William Watson and George L. Ulrich. The present officers are Jefferson Ray-

nolds, president; George L. Ulrich, vice-president, and F. G. Sager, cashier. The bank was established along safe, conservative lines, and has had a prosperous existence, conducting a general banking business, which is constantly increasing in volume and importance.

The Southwestern Savings, Loan and Building Association of Las Vegas, was incorporated May 1, 1899, with these officers; president, C. E. Perry; vice president, F. A. Manzanares; second vice president, Thomas Ross; third vice president, J. S. Duncan; attorney and auditor, Arthur N. Jordan; secretary, A. D. Higgins; treasurer, San Miguel National Bank. The authorized capital is \$2,500,000.

Las Vegas Ætna Building Association was organized in September, 1899, and incorporated under the Building and Loan laws of New Mexico. The chief incorporators were John D. W. Veeder, Homer J. Kendall, L. Bradford Prince and others. The officers are: John D. W. Veeder, president; L. Bradford Prince, vice president; George H. Hinker, secretary and treasurer. The San Miguel National Bank is the depository.

The Raton Building and Loan Association founded in 1889, has been a leading instrument in upbuilding the town. It is proud of its record as a strictly mutual association, and, in line with this fact, it has never foreclosed or taken a building. Its reports show very large profits to its shareholders and corresponding low expenditures.

C. V. Safford, traveling auditor and bank examiner at Santa Fé, was born in Topeka, Kansas, in 1865. He went to Aztec in San Juan county, New Mexico, in 1890, where he engaged in banking and merchandising, and called to public office, served as county clerk of San Juan county from 1897 until 1901. He was deputy state treasurer and auditor from 1901 until 1903, and in the latter year was appointed traveling auditor, to which position he was re-appointed in March, 1905. He now makes his home in Santa Fé.

The suggestion that a Bankers' Association be organized in New Mexico came from C. N. Blackwell, cashier of the First National Bank of Raton, who, on November 25, 1905, addressed to the bank officials of the territory a circular letter calling attention to the need of such an organization. In response to these letters practically all of the banks and trust companies of the territory agreed that such an association was advisable, and on February 15, 1906, in response to a call issued from Albuquerque, representatives of the territorial banks met in the latter city. Those in attendance were: W. H. Gillenwater, Montezuma Trust Company, Albuquerque; Frank McKee, First National Bank, Albuquerque; First National Bank, Las Vegas; Exchange Bank, White Oaks; T. L. Lowe, Silver City National Bank; Edward A. Cahoon, First National Bank, Roswell, First National Bank, Artesia, First National Bank, Portales, First National Bank, Carlsbad, Hagerman National Bank, Hagerman; Daniel T. Hoskins, San Miguel National Bank, Las Vegas; Solomon Luna, Bank of Commerce, Albuquerque; Willard S. Strickler, Bank of Commerce, Albuquerque; Lou H. Brown, Bank of Deming, Deming; Henry J. Anderson, First National Bank, Alamogordo; Major Robert J. Palen, First National Bank, Santa Fé; W. F. Buchanan, First National Bank, Tucumcari; John Becker, First National Bank, Belen; William D. Murray, Silver City National Bank and Silver City Savings Bank, Silver City; A. F. Kerr, American National Bank, Silver City; Nathan Jaffa, Citizens National



Bank, Roswell; H. P. Saunders, American National Bank, Roswell; O. N. Marron, J. B. Herndon, State National Bank, Albuquerque; Charles N. Blackwell, First National Bank, Raton, Bank of Springer; Joseph Price, Price Brothers, Socorro; H. B. Jones, First National Bank, Santa Rosa; Henry D. Bowman, Bowman's Bank, Las Cruces; The Horabin-McGaffey Company, Thoreau; Ben Sherrod, Raton National Bank; and the Becker-Blackwell Company, Magdalena.

The first officers of the association formed at the time under the name of the New Mexico Bankers' Association were: C. N. Blackwell, First National Bank, Raton, president; R. J. Palen, President First National Bank, Santa Fé, vice president; H. D. Bowman, president Bowman's Bank, Las Cruces, secretary; J. B. Herndon, cashier State National Bank, Albuquerque, treasurer; Executive committee: E. A. Cahoon, cashier First National Bank, Roswell; W. D. Murray, Silver City National Bank, Silver City; W. S. Strickler, vice president Bank of Commerce, Albuquerque; D. T. Hoskins, cashier San Miguel National Bank, Las Vegas; Nathan Jaffa, cashier Citizens' National Bank, Roswell; Frank McKee, cashier First National Bank, Albuquerque; Lou H. Brown, cashier Bank of Deming, Deming; Joseph Price, Price Brothers, bankers, Socorro; and H. B. Jones, cashier First National Bank, Santa Rosa.

## THE PROFESSION OF MEDICINE AND SURGERY

✓ The first medical attendance received by the inhabitants of New Mexico was offered by the Franciscan friars, who were physicians as well as priests, educators and farmers. Perhaps nothing approaching accurate diagnosis was attempted in those days, and only the simplest remedies were applied in the crudest ways. The practice of the profession of medicine in New Mexico can hardly be said to have begun until some time about the middle of the last century. Davis in "El Gringo" mentions the presence of Dr. Henry Connelly, an American, who had resided in the country since 1828, and whose estate was a few miles from the village of Peralta. The doctor had a large establishment with many dependents, but though declared a man of wealth and influence and a member of the legislative council (1855), nothing is said of his professional interests.

An anecdote detailed in "El Gringo" furnishes further light on medical practice shortly after the American occupation. A marshal's deputy, named Smith, a member of the traveling party with Mr. Davis, the author, occasionally prescribed for the simple-minded natives, but "always used horse medicine in his practice. He was known among the peasantry, among whom his practice lay, as Doctor Simon. Upon one occasion he administered a stiff dose of saleratus and vinegar to an old woman for the rheumatism, and, strange as it may seem, she got well under his treatment. Her friends looked upon the cure as a most miraculous one. A few days after, her son visited the camp with a present of eggs and chickens for Smith, but was conducted through mistake to Dr. Simpson, the surgeon of the regiment, whom he told he had brought something for doctoring his mother. The doctor denied curing the woman, but the boy insisted that he had, and that the medicine he had given her had 'biled up.' The interpreter here explained that the 'Doctor Simon' alluded to was Smith, who was sent for; and when he told them that the medicine that 'biled up' was saleratus, all were surprised that the poor woman had not given up the ghost under the treatment."

In the annals of the medical profession in New Mexico in the earlier days the names of several men who afterward won national reputation appear. There is no record to be found of the first surgeons and physicians who came to the Territory to practice. With few exceptions the first definite knowledge we have relates to those who accompanied the army of occupation under General Kearny.

One of the earliest who came and made the Territory their home for any length of time and did not come in an official capacity, was Dr. D. Camden de Leon, who located in Old Albuquerque a few years before the Civil war, practiced there until 1861, when he left to enter the Confederate army. He became surgeon in chief before General Lee took command and after his term of service visited Europe for post-graduate work.

About 1869 he returned to Old Albuquerque, practiced there about three years, then removed to Santa Fe, where he continued practice until his death. His practice was very extensive. He rode horseback over a section of country fully 200 miles in extent each way.

Among those who came with the army and after the expiration of their terms of official service was Dr. Kane, a graduate of the University of Pennsylvania. About 1850 he established himself in practice in Mora, then peopled exclusively by Spaniards and Mexicans. He was the first lithotomist to operate in New Mexico, and also the first surgeon to perform an operation for hernia in the territory. He became widely known. He was a man of great humanitarian instincts, a typical "doctor of the old school." His death occurred in 1878.

Dr. Edward R. Squibb, who accompanied the army as surgeon and was located at Fort Union for some time, afterward located at Las Vegas, where he practiced many years. He obtained widespread repute as a manufacturing chemist, and produced the first chloroform fit for surgical use.

Dr. R. H. Longwell, who in later life obtained great notoriety in connection with the assassination of the Rev. Talby at Cimarron during the exciting scenes centering about Elizabethtown during the period when that camp was dominated by the rougher element, practiced in various places, principally at Santa Fé. After the Talby murder an attempt was made to lynch him, but he succeeded in effecting his escape and fled to Fort Lyon, where he remained until the Cimarron affair ceased to be the subject of such intense excitement. He originated the first legislation in the Territory regulating the practice of medicine. He died about 1895. Dr. Longwell was a politician as well as a physician. He took a deep interest in all public affairs, and his pronounced views and his disposition to express these views freely on all occasions caused many men to become his enemies. He was a graduate of Jefferson Medical College, but possessed a limited classical education. At the time of his death he was reputed to be the richest physician in New Mexico.

Dr. Peters, who attained distinction as the author of a history of Fremont's expedition, practiced at Fort Union in the early days. He was a man of brilliant literary attainments, and spent much of his spare time in historical research.

Dr. Luis Kennon, a graduate from the classical department of the University of Virginia, was one of the most scholarly practitioners in the Territory in the early days. He contributed to the general literature of the country and became as well known a writer as a practitioner. After resigning his commission as surgeon in the army he established himself in private practice in Santa Fé, whence he removed to Silver City. He was the first president of the New Mexico Board of Medical Examiners, the predecessor of the Territorial Board of Health, and exhibited a deep interest in all matters pertaining to the progress of medical science. Late in life he removed to Oregon, where he died about 1894, at an advanced age.

Dr. G. H. Shout, who is still remembered with feelings of profound veneration by many of the inhabitants of the northern part of the territory, was post surgeon at Fort Union in the early days. He was a graduate of the University of Vermont, and a man of rare mental attainments. He was present at the battle of Val Verde, as a surgeon with the Union forces. After leaving the army he located at Las Vegas, and until his

death, in January, 1884, enjoyed an extensive and successful practice. On account of his laborious country practice, which extended for many miles in every direction, he became personally known to the majority of the inhabitants of the country surrounding Las Vegas, and his death was deeply mourned.

Dr. William A. Hammond, who afterward located in Washington, and for practically all his life was identified with the military service, becoming an international figure in medicine and surgery, was post surgeon at Fort Union in the sixties. His practice in the Territory, however, was limited to the work devolving upon him in his official capacity.

Dr. Alexander, one of the early physicians of Santa Fé, contributed generously to medical literature. His career extended over a period of many years, and he was widely known throughout the territory. Dr. Jane-way, now a celebrated physician and surgeon of New York city, and Dr. Roberts Bartholow, both men of national reputation, also practiced at Fort Union as army surgeons in the early days.

Dr. F. H. Atkins, who practiced in Las Vegas many years, now a resident of Los Angeles, California, was born in Brooklyn, New York, was graduated from Harvard University, and qualified for practice in the Long Island Hospital Medical College. He had served as a surgeon in the Civil war. He was president and secretary of the New Mexico Medical Society, and contributed frequently to medical journals.

Dr. Henry J. Abernathy, born in Tennessee in 1855, came to Socorro in 1879, shortly after his graduation from medical college. He was the first vice-president of the New Mexico Medical Society.

Dr. Alvin A. Shaw, who located at San Marcial in 1884, was a native of Illinois and a graduate of the Chicago Medical College in 1883. A number of other well known medical men of the Territory located within its limits during the early eighties. In 1881 Dr. George S. Easterday located in Albuquerque. He was a graduate of the Eclectic Medical College at Cincinnati. He was a popular citizen of Albuquerque and held the office of mayor. In the same year and at the same place located Dr. James H. Wroth, a native of New Jersey and a graduate of the University of Pennsylvania. His interest and service have also been given to education, and as president of the Territorial Medical Association worked for the advancement of his profession.

Dr. Martin R. McCrary, physician and surgeon of San Marcial, was born near Quincy, Illinois, November 16, 1857, a son of James and Letitia E. (Job) McCrary. He remained upon a farm until twenty-one years of age and attended the common schools, the high schools at Payson and at Camp Point, Illinois, and the Gem City Business College at Quincy. His professional education was acquired in the Missouri Medical College, from which he was graduated March 2, 1881. He practiced successively at New Canton, Illinois, for a year and a half; Osakis, Minnesota, one year; Coldwater, Kansas, two and a half years; Granada, Colorado, two years; Denver, two and a half years; Trinidad, Colorado, a year and a half; Springer, New Mexico, seven years, from September, 1894, until 1900, and in June of the latter year he came to San Marcial, where he has since continued in general practice. In 1902 he put in thermo therapeutic and electro therapeutic machinery and he practices along modern scientific lines.

Dr. McCrary was married in 1882 to Lyda J. Rice, who died two

and a half years later. In 1897, at Springer, New Mexico, he wedded Mrs. Marguarite Beatrice Johnson. Fraternally he is connected with the Odd Fellows, the Woodmen of the World and the Fraternal Brotherhood of Los Angeles, California.

Dr. John C. Slack, who came to the Territory in the eighties, and was register of the land office for the Colfax district under Cleveland's second term, was a native of Illinois and a graduate of a medical college at Louisville, Kentucky, and came to Folsom in 1889.

Dr. C. B. Kohlhausen located in Raton in 1882, being a graduate of the University of Virginia and well trained in the eastern hospitals before coming west.

One of the first homeopaths in the Territory was Dr. William Egbert, who located in Santa Fé in 1880. He was a native of Germany, but a graduate in medicine from the New York Homeopathic College. He gave much time to the literature of the profession as a contributor of special articles and books, and ranked high in both branches of the medical fraternity.

Dr. George H. Sowers came to the Territory and began practice in Socorro in 1880, and has been professionally active at different towns in the Territory. He was a native of Maryland and finished his medical course at the Bellevue Hospital Medical College, in New York.

Dr. Melvin G. Paden began practicing in White Oaks in 1880, although it was not until 1886 that he had thoroughly equipped himself for the profession by continued study and graduation at Louisville, Kentucky.

Dr. Z. B. Sawyer, a native of Ohio, came to Albuquerque in 1878, and in 1883 to Gallup, where, in a few years, he became the physician longest in continuous practice in that town.

Dr. Russell was one of the earliest physicians to locate in Elizabethtown, coming to that place in the early days of the gold excitement. He was the first mayor of the town, in 1870. His administration continued but one year, ending with the termination of the city government, in 1871.

Dr. J. M. Whitlock was in practice at Las Vegas as early as 1852, according to Frank O. Kihlberg of Las Vegas, who knew him at that time. During the Civil war he held a commission as surgeon in Kit Carson's regiment, and was killed in the mutiny at Fort Stanton in 1863. Captain Craig endeavored to start a meeting on account of the presence of a negro in the regiment, and Dr. Whitlock killed him. Craig's men then attacked Whitlock, killing him. Ninety-six wounds were found on his body. Dr. Shout, assistant surgeon, was promoted to the post of surgeon upon Whitlock's death.

Dr. Stephen Boyce, a native of Canada, located in Las Vegas about 1850, but did not practice long. He subsequently engaged in trade and died a few years after coming to New Mexico.

Dr. Washington Matthews, an assistant surgeon in the United States Army, was for many years stationed at Fort Wingate, where he was located in the early seventies, perhaps at an earlier date. He utilized his tour of official duty in the Territory by researches in anthropology through close observation of the neighboring tribe of the Navajos, and became recognized as an eminent authority on the traditions, manners and customs of that tribe, besides the greatest authority on the Navajo blanket. His reports on the latter subject form one of the most interesting features of

the Third Annual Report of the Bureau of Ethnology to the secretary of the Smithsonian Institution.

Dr. W. P. Strachan located in Albuquerque soon after 1860. He served in the lower house in the territorial legislature in 1864. He early abandoned his professional career for commerce and trade.

Dr. John Symington, who came to Old Albuquerque during the Civil war, was a native of Maryland and a son of Colonel Symington of the Ordnance department of the United States army. He practiced there for several years, a portion of the time editing the *Albuquerque Review* in connection with his professional labors.

Dr. E. H. Skipworth, who is now engaged in practice in Roswell, has resided in New Mexico since 1879. For many years he practiced in Roswell. He is a native of Kentucky and a graduate of LaGrande, Ala., College, and the University of Louisiana at New Orleans. He served throughout the Civil war with the Seventh Alabama Regiment under Bragg, and practiced in Kentucky and Arkansas before locating in New Mexico.

Colonel W. R. Tipton, M. D., has practiced in Las Vegas for a quarter of a century. He was born in Columbia, Mo., and prepared for his profession in the University of Missouri and Jefferson Medical College, both of which institutions conferred upon him the degree of Doctor of Medicine. For eight years he has been superintendent of the Territorial Insane Hospital at Las Vegas. He is a regent of the Normal University, was president of the board of trustees of the old Las Vegas Academy, the first non-sectarian high school in New Mexico. September 10, 1897, he was commissioner surgeon of the New Mexico National Guard, with rank of colonel, by Governor Otero. In 1885, 1888 and 1893 he served as president of the New Mexico Medical Society.

Among those who located in Las Cruces in the early days were Dr. James Booth, Dr. Lyon and Dr. Frazier. Dr. Charles A. Brown came from Virginia, a graduate of Virginia Medical College, class of 1872, and located in Rincon in 1884.

Dr. Keefe was the first to engage in practice in Deming.

Dr. S. J. Simpson, who located in Lordsburg in 1880, was the first practitioner in that town. He remained in practice there until 1889.

At Hillsboro, Dr. C. C. Crews, the first to locate there, practiced from 1876 to his death, in 1886.

Dr. M. E. Munger was in practice at Lake Valley from 1882 to 1887, Dr. Ennis from 1883 to 1886, Dr. J. V. Cowan and Dr. C. E. Williams practiced there late in the eighties.

Dr. Mason, who located in Kingston in 1891, was murdered in 1892 by James Hiles. Dr. C. L. Edmundson succeeded him. Dr. J. E. Thompson and Dr. R. E. Smith were also early practitioners.

Dr. Blazer, who came to Lincoln county in 1877, enjoyed an extensive practice there for nearly twenty years, and became widely known throughout the central part of the Territory.

In the early days of Colfax county, just prior to the construction of the Santa Fé Railroad, Dr. Washington, who had been in practice in Otero, was hanged by a mob to a telegraph pole. He was accused of malpractice; and those who remember him state that he was generally regarded as an undesirable member of the community.

Dr. Coleman, who practiced medicine and had a drug store on Front street in Raton, in 1880-81, proved himself unpopular and one morning, in the spring of 1881, was "smoked out" of his store, and left the country.

Dr. Granville N. Wood opened an office in Silver City and practiced there for twenty years or more. He was a native of Massachusetts and a graduate of the medical department of the Northwestern University in the class of 1878. Before locating in New Mexico he practiced in California, Iowa and Kansas, and for a brief period was in the medical department of the Indian service in Indian Territory.

Dr. Harvey P. Mickey entered upon the practice of medicine in Las Cruces in the summer of 1894. He was a native of Indiana and a graduate of a medical school of that state in 1888. He also attended lectures in the medical department of Iowa University. He began practice at Newcastle, Ind., and came to New Mexico on account of failing health.

Dr. I. A. Butler was located in Mesilla in 1860. In connection with his practice he conducted a drug store in partnership with a Mr. Lucas.

Dr. G. P. Cornish, who has practiced in Albuquerque since coming to the Territory in 1897, was born in Alabama, graduated from Jefferson Medical College at Philadelphia in 1885, and practiced at Flagstaff, Arizona, before coming here. Elected in 1905, he is now president of the Territorial Medical Society, and has been president of Bernalillo County Medical Society. Was chief surgeon of Santa Fé Pacific at Albuquerque until consolidation.

Of organizations for the advancement of the medical profession the most important and largest in scope is the New Mexico Medical Society. This is the outgrowth of the Las Vegas Medical Society, which was founded in Las Vegas in 1882, with Dr. J. H. Shout as president, and Dr. W. R. Tipton as secretary. During the life of the parent society monthly meetings were held at Las Vegas. The society continued to grow, its membership gradually embracing physicians from other towns than Las Vegas, until, in 1885, the name was changed to that of the New Mexico Medical Society, which, on December 4 of that year, was incorporated under the laws of the Territory, its charter being granted for the term of fifty years. All the annual meetings up to and including that of 1891, were held at Las Vegas, when, for the three succeeding years, they were held at Albuquerque upon the invitation of the Bernalillo County Medical Society. Since 1894 these annual gatherings have been held in various cities and towns in the Territory. A feature of each meeting has been a society banquet. Numerous valuable papers have been read, cases of unusual importance have been presented—in person as well as by written and oral report—and pathological specimens of rare occurrence have been exhibited. The great extent of the Territory and the distances of travel, however, have seriously interfered with the attendance at these meetings.

For several years the society endeavored to secure the enactment of legislation carefully regulating and safeguarding the practice of medicine in New Mexico, but at three sessions of the legislature the measures introduced to this end were defeated. It was not until February, 1895, that these continued efforts were greeted with success and a law was enacted for the regulation of practice. This law, while based chiefly on the general principles underlying that of the State of Illinois, had various features

drawn from the medical laws of other states, or based upon the experience of practice in this Territory.

The officers of the Las Vegas Medical Society were: Presidents—1882, J. H. Shout; 1883-4, W. H. Page. Secretaries—1882, W. R. Tipton; 1883-4, W. H. Ashley. Those of the New Mexico Medical Society have been as follows: Presidents—1885, W. R. Tipton; 1886-7, M. W. Robbins; 1888, W. R. Tipton; 1889, E. C. Henriques; 1890-1, F. H. Atkins; 1892, J. H. Wroth; 1893, W. R. Tipton; 1894, G. W. Harrison; 1895, F. Marron y Alonso; 1896, Dr. C. G. Duncan, Socorro; 1897, Dr. J. F. Pearce, Albuquerque; 1898, S. D. Swope, Deming; 1899, Dr. G. S. Easterday, Albuquerque; 1900, J. H. Sloan, Santa Fé; 1901, Dr. G. W. Harrison, Albuquerque; 1902, W. G. Hope, Albuquerque; 1903, Dr. G. C. Bryan, Alamogordo; 1904, Dr. E. B. Shaw, Las Vegas; 1905, Dr. P. G. Cornish, Albuquerque; 1906, Dr. T. B. Hart, Raton.

Secretaries—1885, M. M. Milligan; 1886-8, F. H. Atkins; 1889, F. Palmer; 1890-1, M. F. Desmarais; 1892-4, F. H. Atkins; 1895, H. M. Smith; 1896, Dr. H. J. Abernathy, Socorro; 1897-8, Dr. G. A. Wall, Albuquerque; 1899, Dr. W. G. Hope, Albuquerque; 1900-3, Dr. J. F. McConnell, Las Cruces; 1904, Dr. G. H. Fitzgerald, Albuquerque; 1905, Dr. G. H. Fitzgerald and Dr. R. E. McBride, Las Cruces; 1906, Dr. R. E. McBride, Las Cruces.

(Dr. Fitzgerald was elected secretary at the 1905 meeting, but did not serve, and Dr. R. E. McBride was appointed by the council to fill out the term.)

The New Mexico Board of Medical Examiners was created by act of the legislature March 2, 1882. The law provided that it should be composed of seven practicing physicians of known ability and integrity, allotted among the various schools of medicine as follows: The allopathic school, four members; the homeopathic school, two members; the eclectic school, one member. This board was authorized to issue certificates to all who furnish satisfactory proof of having received diplomas or licenses from legally chartered medical institutions in good standing; to examine diplomas as to their genuineness; to examine persons not graduates of recognized schools and grant licenses entitling such persons to practice; to refuse certificates to individuals guilty of unprofessional conduct; to revoke certificates for like causes; and the code of ethics of the United States Medical Association was made the standard and rule of decision concerning the professional conduct of members.

This board held rare meetings, at times two or three years apart, until the adoption of the statute providing for the organization of the Board of Health. In 1893 Governor W. T. Thornton reorganized the board, appointing Drs. W. R. Tipton, of Las Vegas; F. H. Atkins, of East Las Vegas; T. J. Houghton, of Albuquerque; G. S. Easterday, of Albuquerque; J. H. Sloan, of Santa Fé; J. J. Shuler, of Raton, and William Eggert, of Santa Fé. Dr. Tipton was elected president, and Dr. Eggert, who had been secretary since the organization of the board, was re-elected. At the meeting held in Albuquerque in September, 1894, the standard of three years' study, three courses of lectures in three separate years, was adopted, to apply to all colleges. At this meeting a committee was appointed (one member from each school of medicine), Dr. Atkins, Easterday and Eggert, and the president, Dr. Tipton, with the co-operation of the president



of the New Mexico Medical Society, Dr. Harrison, to prepare a bill for a more satisfactory act regulating the practice of medicine than the act of 1882. This committee, aided by the Bernalillo County Medical Society, did its work. The bill was presented to the legislature in January, 1895 (C. B. No. 16), was passed and approved February 27, 1895, by Governor Thornton, who at once reappointed the former members, substituting Dr. J. M. Cunningham, of Las Vegas, for Dr. Houghton, who had left the Territory. At the first meeting Dr. W. R. Tipton was elected president, Dr. Atkins, secretary, Dr. Sloan, treasurer, and Dr. Easterday, vice-president.

The statute providing for the creation of the Territorial Board of Health, adopted by the legislature February 27, 1895, says the board "shall be composed of seven practicing physicians who are graduates of medical schools of undoubted respectability." The statute provides that this board shall, "upon the production of evidence satisfactory to it, license any person who is the holder of a diploma from a medical college in good standing," and "shall require all persons, not the holders of such diplomas, to pass such examination as the board shall deem proper, before licensing any such person to practice."

The New Mexico Board of Pharmacy was established by act of February 15, 1889, and the Board of Dental Examiners established by act of February 23, 1893.

The New Mexico Dental Society was organized at Albuquerque May 8, 1906, by the election of Dr. W. N. Macbeth, of Albuquerque, as president; Dr. L. H. Chamberlain, of Albuquerque, as vice-president, and Dr. L. E. Ervin, of Albuquerque, as secretary.

The Chaves County Medical Society was organized March 10, 1904, with the following officers and charter members: W. T. Joynes, president; J. W. Kinsinger, vice-president; William W. Phillip, secretary; M. W. Flournoy, treasurer; R. L. Bradley, W. E. Parkhurst, C. M. Yates, W. C. Buchly, C. M. Mayes, F. C. Blackwelder, Charles F. Beeson, Eugene M. Fisher. The present officers are: Dr. C. M. Yates, president; R. L. Bradley, vice-president; Dr. W. W. Phillip, secretary.

The Luna County Medical Society was organized in Deming March 8, 1905, Drs. C. F. Ellerbrock, J. O. Michaels, J. G. Moir, P. M. Steed and S. D. Swope becoming charter members. Dr. J. G. Moir was elected president; Dr. J. O. Michaels, vice-president; Dr. S. D. Swope, secretary, and Dr. P. M. Steed, treasurer.

#### HOSPITALS AND SANATORIUMS.

Fort Bayard, where is located the U. S. A. General Hospital, was established as an ordinary military post in the late sixties, the reservation being designated by presidential proclamation published in general orders May 25, 1869. The post was selected as a site for a hospital for the treatment of tuberculosis by the surgeon general, and work in this direction was begun by Major D. M. Appel, Surgeon United States army, October 3, 1899. At that time the fort still contained a small garrison of troops of the line. The experiment approving itself in practice, the garrison was withdrawn and the post was turned over to the Medical department for use as a hospital January 12, 1900. The hospital was primarily designed

for treatment of soldiers of the United States army and beneficiaries of the United States Soldiers' Home who are affected with tuberculosis. At the present time sailors and marines of the United States navy are also admitted. A limited number of civilians have also been admitted as patients by authority of the Secretary of War. No patient of whatever status is admitted without authority of the War department. At first the buildings of the old post were used for hospital purposes. During the past three years many new buildings have been erected, including a large house entirely of glass, for pleasure and recreation of patients, where they can be kept from the storms and yet get sunshine all day. The chief buildings now in use are: An Infirmary, for advanced cases; a receiving Hospital; six wards for ambulant patients, and quarters for officers and men on duty. The majority of the patients are quartered in tents. Tentage in use now accommodates 144 patients. The number of patients treated during the calendar year 1905, was 682. Cases present December 31, 1904, 335. On December 31, 1905, 346. Largest number of cases treated at one time during the year 1905, 372.

George E. Bushnell, major commanding, was born in Worcester, Massachusetts, September 10, 1853; graduated from Academic Department, Yale, 1876; and at Yale Medical School, 1880. He entered the army February 18, 1881, located in New Mexico in 1903, and assumed charge of the sanatorium in May, 1904. He is a director of the National Association for the Study and Prevention of Tuberculosis.

In place of the former military post at Fort Stanton, has been established the United States Marine Hospital Sanatorium for Tuberculosis.

Fort Stanton is situated on the right bank of the Rio Bonito, a mountain stream, having its source in the White Mountains, about 18 miles distant: it is 10 miles from Lincoln, the county seat of Lincoln county, and eight miles from Capitan, the nearest railroad point, and terminus of the El Paso & Northeastern Railway.

Fort Stanton was established in 1855 to control the Mescalero and White Mountain Apaches. The post was burned and abandoned in 1861 by the United States troops upon the approach of the Texas troops under General Sibley. In the spring of 1863, after the defeat and withdrawal of the Confederates, a garrison of volunteers re-occupied the post, and by covering the old walls with rafters and earth roofs, made the quarters tenable. In this condition the post was occupied until 1868, when repairs and reconstruction were commenced. Substantial stone barracks, quarters, offices, and store houses for the accommodation of four companies were erected from 1868 to 1871, or adapted from the old buildings whose walls had been left standing.

The original reservation embraced 144 square miles, or was 12 miles square, but under authority of the Act of Congress of May 21, 1872, 128 square miles were transferred to the Interior Department and thrown open to settlement under the general land laws. A tract embracing 16 square miles, eight miles in length and two miles in width along the Rio Bonito, was retained for military purposes. In August, 1896, the post was abandoned, all troops withdrawn and the reservation was turned over to the Interior Department. The reservation was then transferred to the Marine Hospital service, and was formally accepted from the Interior Department on April 27, 1899, by Passed Assistant Surgeon J. O. Cobb, who had been



**United States Hospital for Consumptives, Fort Stanton**



**New Mexico Institute for the Blind, Alamogordo**  
Building completed 1906



detailed for that purpose. On November 1st, 1899, the reservation was extended one mile on the north and one and three-quarters miles on the south, and now contains 38 square miles, nearly all under fence.

Since the transfer of this reservation from the Interior Department, the Marine Hospital service has been constantly at work repairing and altering the buildings, beautifying the grounds and making the place one of the finest Sanatoria in the United States.

The beneficiaries of the Sanatorium are restricted to seamen employed on the Merchant Marine vessels of the United States, officers and men of the Revenue Cutter service, keepers and crews of lighthouse establishments, and seamen employed on vessels of some other branches of the public service, other than the navy. At this writing the number of patients is between 200 and 250.

The history of the movement to establish the Sanatorium for the service is given as follows by Surgeon P. M. Carrington: "So far as the writer is aware, the first movement by any officer of the service towards securing such a place in the arid district was by Dr. Walter Wyman, then a young officer in the service. He had considerable correspondence on the subject, and at one time he tried to interest the minister from Mexico, with the intention of establishing a tuberculosis colony in Old Mexico. I am not able to state it as a fact that Dr. Wyman was not encouraged in his prospects, but owing to his reticence on the subject I suspect that was the case. The subject was always uppermost in his mind, and he often discussed it with other officers. As surgeon-general his ideas were consummated in the establishment of this station.

"I was called to Washington for the purpose of examining the records in the War and Interior Departments concerning abandoned military reservations, for it was thought that as the army was first in a country the forts and posts would be selected for the best water and grazing pastures. It was essential that we have an independent water supply, and it was certain that all the posts were desirable in this respect. I made a detailed report of the information which I had collected in the departments, and he (the surgeon-general) then directed me to proceed on an inspection tour of Arizona and New Mexico. This resulted in the recommendation that Fort Stanton be selected as the site for a ranch or sanatorium for consumptives. On April 1, 1899, the president, by executive order, set aside the Fort Stanton Military Reservation for the use of the service."

Surgeon P. M. Carrington, U. S. P. H. and M. H. S., who took charge of the United States Marine Hospital Sanatorium at Fort Stanton on the 25th of January, 1901, and has continued at its head to the present time, is a prominent and able representative of the medical fraternity. He was well equipped by thorough preliminary training for the duties of his present position. He had charge of the personnel and accounts division of the surgeon general's office in Washington previous to assuming his present position at Fort Stanton. He had contracted tuberculosis in the city, and it was this which led to his transfer to Fort Stanton. His broad learning and skill and his devotion to his profession have made him well trained for the position which he now occupies. He is a member of the Territorial Medical Association, the American Medical Association, the Association of Military Surgeons, the National Association for the Study and Prevention of Tuberculosis and the American Sanatorium Association.

The New Mexico Cottage Sanatorium, construction of which began in August, 1905, is located just north of Silver City. According to the Silver City *Independent* of that date "the principal object of the institution is to provide at the lowest possible cost a closed sanatorium for the treatment of tuberculosis, conducted in accordance with the accepted principles of management in this disease and located in a climatic environment that is generally conceded to be unsurpassed and which, in conjunction with proper management, unquestionably affords the highest percentage of cures.

"The money required to build and equip the institution has been obtained by gifts from charitable persons who are interested in returning to health those afflicted with tuberculosis. The cottages are to be designated by the names of the different donors.

"The medical control of the institution is vested in the medical director, Dr. E. S. Bullock, formerly pathologist and diagnostician United States General Hospital for Tuberculosis, Fort Bayard, New Mexico, and medical director at St. Joseph's Sanatorium, Silver City, New Mexico, and who is recognized as an authority in his specialty. In addition there is an advisory board, having absolute control of the methods of treatment employed by the management of the institution, and composed of medical men identified with the modern movements for the cure and control of tuberculosis."

George William Harrison, M. D., president of the New Mexico Board of Health and representative of his district in the Thirty-fourth legislative assembly, was born in Lafayette county, Missouri, in the neighborhood of Higginsville, November 12, 1855. His father, William Hiram Harrison, was a native of Virginia, and a son of William Walker Harrison, a first cousin of William Henry Harrison, at one time president of the United States. His mother, Harriet Ann Davis, was a daughter of the Carolinas. Both parents died during the childhood of their son, Dr. Harrison. He lived and worked upon his father's farm until sixteen years of age, and after the crops were raised and gathered he attended the country schools. Subsequently he was sent to Washington University, in St. Louis, Missouri, and in due time was graduated from that great institution of learning, the State University of Missouri, at Columbia. Preparing for the practice of medicine as a life work, he was graduated at Missouri Medical College, at St. Louis, Missouri, now the medical department of the Washington University, in the class of 1878, and in May, 1880, he became identified with the medical fraternity of New Mexico, spending one year in Las Vegas, after which he removed to Bernalillo county. For ten years he remained in the town of Bernalillo, and for sixteen years has been a resident of Albuquerque. He has been prominently and intimately associated with the medical profession of New Mexico, and has been honored with official positions in the New Mexico Medical Association, having held the office of president and treasurer for successive terms, while he is now councilor for the association. He was editor during the first year of the life of the *Journal* of the association. He has also been identified with several of the most successful business institutions of Albuquerque, and has contributed in substantial measure to the upbuilding and progress of the community. He was one of the founders of the Bank of Commerce of Albuquerque, serving several years as its president.



John H. Johnson





In political circles Dr. Harrison is equally well known and honored. He has several times been elected by the people of the city to positions of public trust, serving for four terms as alderman, and he is now serving his second term as a member and as president, of the New Mexico Board of Health, which is also the licensing board for physicians to practice medicine in New Mexico. He was called to represent his district, comprising Bernalillo and McKinley counties, in the legislative assembly, and as a member of the legislative senate, and as representative of the profession before the legislature, and he succeeded in securing the passage of the present medical law in New Mexico, which has been fully endorsed by the profession in general throughout the Territory. The *Santa Fé New Mexican* of March 2, 1901, said of Dr. Harrison in his legislative work: "He is making a splendid record. Here he brings to bear upon all public measures that same thoughtful conservatism which so strongly characterizes his personality in the world of trade and finance. He is a worker, and a hard worker, both on the floor of the council and in committee, and is a member of no less than eight legislative committees, including those on education and judiciary. He is the author of a number of excellent measures now well along toward becoming laws, and one of his bills, regulating the practice of medicine, has thus early become law."

In the Masonic fraternity Dr. Harrison has attained the thirty-second degree, and is also a member of the Mystic Shrine. He is a man of commanding presence, bearing the stamp of the old Virginia school of affability and politeness, is considerate and conservative, and is well fitted for the positions of leadership which he has attained in fraternal, political, professional and social circles.

James H. Wroth, M. D., has been engaged in the practice of medicine in Albuquerque continuously since 1881, and is therefore, in point of years devoted to professional life, one of the oldest practitioners in the Territory. A native of Camden, New Jersey, he received his classical education in the Philadelphia High school, being graduated therefrom in 1873, and he qualified in medicine and surgery in the medical department of the same institution, receiving the degree of M. D. in 1878. For three years he practiced in Philadelphia, at the same time acting as instructor in chemistry in his alma mater, removing upon the expiration of that time to Albuquerque.

Dr. Wroth's professional labors have been rewarded with success. He has served as president of the New Mexico Medical Association and has taken a profound and helpful interest in all matters pertaining to the advancement of the profession. In Masonry he occupies a high position and has filled most of the chairs in the grand bodies of the Territory.

Major J. F. Pearce, M. D., has been engaged in the practice of medicine in Albuquerque since 1883. A native of Cecil county, Maryland, he was graduated on the completion of the classical course from the Delaware College at Newark, Delaware, and followed his literary training by a course of study in the Jefferson Medical College at Philadelphia, from which he was graduated in the class of 1883. During his medical course he enjoyed the advantage of private instruction under Professor Pancoast. Soon after his graduation Dr. Pearce located for practice in Albuquerque, where he has remained continuously since. His labors have been rewarded with great success as viewed from either the professional or the financial standpoint.

Since 1897 he has been surgeon of the First Regiment of the New Mexico National Guard, with the rank of major, under commission of Governor Ross.

John W. Elder, M. D., of Albuquerque, has become recognized as one of the successful practitioners in the Territory. He is a native of Clarion, Pennsylvania, and a graduate of Princeton University, while his professional education was obtained in the West Penn Medical College, at Pittsburgh, Pennsylvania, from which he was graduated in the class of 1892. He practiced in this city for four years, and subsequently removed to Albuquerque, where he has since been located. He is a member of the American Medical Association, the New Mexico Medical Society and the Bernalillo County Medical Society, and is highly esteemed by the profession and the laity alike.

W. T. Joyner, physician and surgeon engaged in active practice in Roswell, his capability ranking him with the men of prominence in the profession in his part of the Territory, was born in Little Rock, Arkansas, in 1867. His collegiate course was pursued in the University of Arkansas at Fayetteville, and he was graduated from the medical department of that institution in the class of 1889. He further prepared for his chosen profession by post-graduate work in the New York Polyclinic in 1900-01.

Dr. Joyner began practice in Little Rock, Arkansas, in 1889, and was elected to the position of county physician, which he filled for two years. He also had charge of the Pulaski County Hospital, and in addition had a good private practice. Thinking that he would have still better business opportunities in the new and growing city of Roswell he removed to the Territory in 1892 and has practiced in Roswell continuously since with a growing patronage, leading to gratifying financial as well as professional results. He has served as health officer for a number of years, is now county health officer, and since 1894 has been surgeon for the Pecos Valley Railroad Company, and also surgeon for the New Mexico Military Institute since its establishment. He was chosen the first president of the Chaves County Medical Society in 1904. He was chiefly instrumental in its formation, realizing the value of such a society as an incentive for the maintenance of a high professional standard and for the dissemination of knowledge concerning the best methods of practice of both medicine and surgery. He is a member of the New Mexico Territorial Society, and since his graduation has held membership with the American Medical Association. He is now the oldest member of the profession in Roswell in years of active, continuous service and stands among the foremost physicians of the southern part of the Territory.

Dr. Joyner was made a Mason in Roswell Lodge, No. 18, A. F. & A. M., in 1894, and has since attained high rank in the order. He now belongs to Columbia Chapter, No. 7, R. A. M., Rio Hondo Commandery, No. 6, K. T., has attained the thirty-second degree of the Scottish Rite in the consistory at Wichita, Kansas, is a member of the Santa Fé Lodge of Perfection, and belongs to the Mystic Shrine at Albuquerque. He has been honored with various official positions in different branches of Masonry, being a past master in Roswell lodge and past commander in K. T. commandery and the present high priest of the chapter. He is a member of the Board of Education of Roswell and community interests receive his

earnest attention and consideration, while his active co-operation is given to many plans, measures and movements for the public good.

J. J. Shuler, M. D., engaged in the practice of medicine and surgery in Raton, New Mexico, where he dates his residence from the 16th of March, 1881, was born near Grove Hill, Virginia, and is at present one of the oldest practicing physicians of Raton. He won his professional degree on completing a course in the medical department of the University of Virginia and later the degree of Doctor of Medicine was conferred upon him by the University of New York, in which he did post-graduate work. Coming to Raton, he has, since 1881, been division surgeon for the Santa Fé Railroad, and was physician and surgeon for the Raton Coal & Coke Company from 1883 until 1894. His research and ability in the line of his profession have made him a capable member of the medical fraternity. He keeps in touch with the most modern methods of practice and his knowledge is broad and comprehensive, while in the diagnosis of a case he is very careful, seldom making the least error in judgment concerning the outcome of disease.

Dr. Shuler has been actively identified with the material improvement and progress of Raton. He was identified with the movement for the formation of the town, organizing the first water company and served two terms as mayor of the city, during which time cement walks were built and a sewerage system established. Several times he has been a member of the Board of Aldermen and he was a member of the territorial board of health under Governors Prince and Thornton. His political allegiance is given to the Democracy. In addition to his professional and political service he has also become identified with the development of New Mexico's rich mineral resources. He is president of several mining companies, and in connection with others he has developed the Graphite mine, which is a paying property. Prominent in Masonry, he belongs to Gate City Lodge, No. 11, A. F. & A. M., Raton Chapter, No. 6, R. A. M., Aztec Commandery, K. T., and the Mystic Shrine at Albuquerque. He married, in Raton, January 30, 1884, Miss Mollie K. Davis, daughter of Rev. Charles Davis, of Memphis, Tennessee. Their children are Ada Evelyn and Virginia Winifred.

C. C. Gordon, M. D., a distinguished physician of the Territory of New Mexico, now residing in Las Vegas, one of the oldest practitioners of New Mexico, was born at Key West, Florida, on the 4th of July, 1837. He was educated in the northern schools, completing his preparation for the practice of medicine and surgery in Long Island College Hospital, from which he won the M. D. degree, and in Kings County Hospital, in which he remained for a year, or until the outbreak of the Civil war. His spirit of patriotism aroused, he served as assistant surgeon in the Union army, and after the battle of Bull Run was promoted to the rank of surgeon in the Army of the Potomac. Subsequently he was transferred to New Jersey as medical director of that state. Leaving the volunteer service he went to California in 1864, and was made quarantine officer of the Port of San Francisco. He was also in the Pacific mail service between San Francisco and the Panama canal for four years. He engaged in the practice of medicine in San Francisco for a few years, and afterward traveled quite extensively over the United States until 1875, when he came to the Territory of

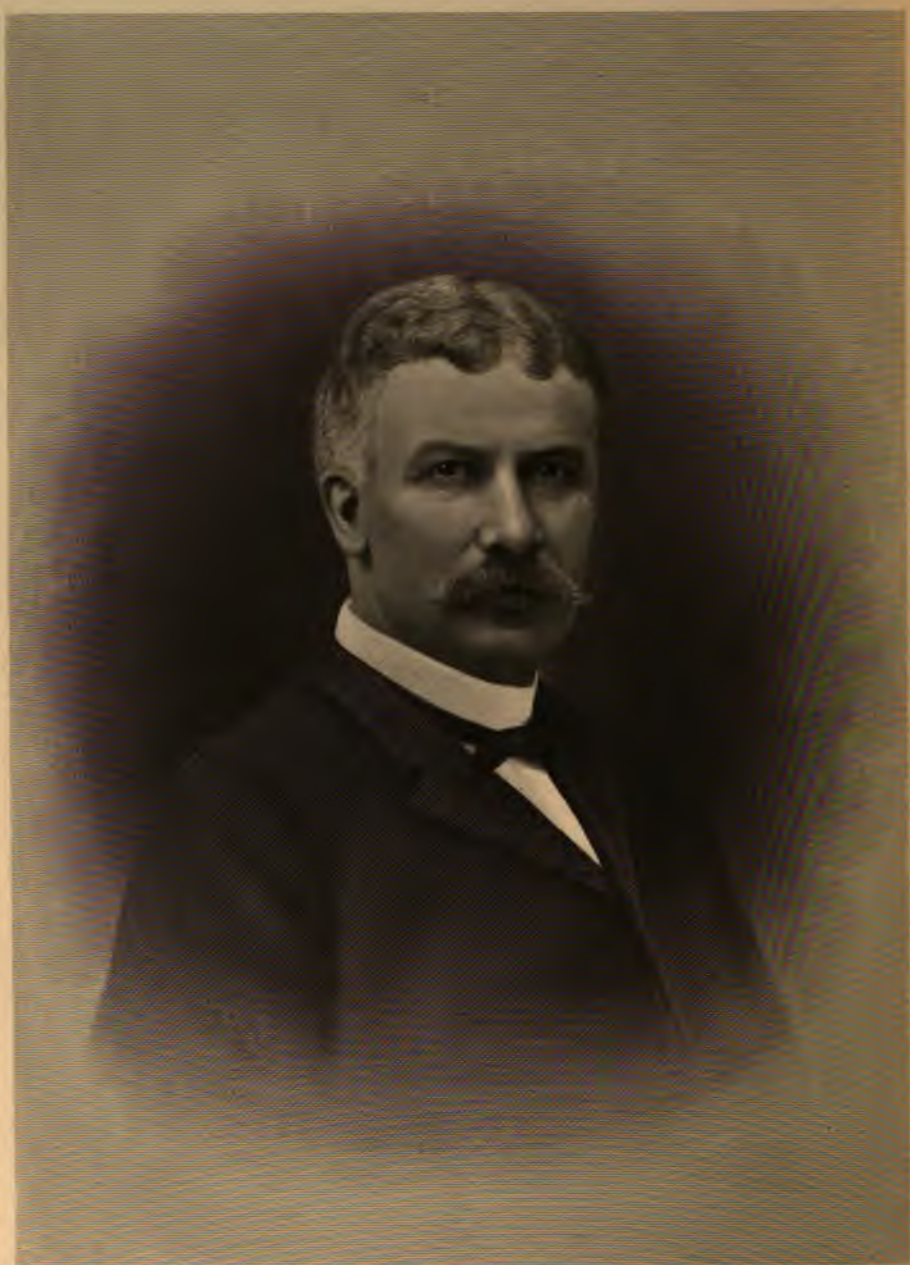
New Mexico, making his way to the military post of Santa Fé, then the headquarters for the Eighth United States Cavalry, commanded by Colonel Gregg. After six weeks he went to Fort Clark, Texas, but returned with the battalion of the Ninth Cavalry under Major Morrow to Fort Marcy. He afterward went to Fort Garland, Colorado, in 1877, and subsequently to Fort Stanton, leaving the service in 1878 at that point. Subsequently he made his way to Trinidad, Colorado, where he located and practiced until 1881. In the latter year he came to Las Vegas as railroad physician at the request of A. A. Robinson, now president of the Mexican Central Railroad Company. Dr. Gordon drew up the petition that was instrumental in organizing the Santa Fé system of hospitals in 1882. In 1883 he went east in the interest of the Hot Springs Company of the Santa Fé Railroad. He has continued a practitioner of medicine in Las Vegas to the present time, and since 1885 has not been associated with the railroad company.

Dr. Gordon is also extensively and actively interested in community affairs. He was a member of the Board of Education for five years, was president of the board during the period that the High school was built, and the same instituted, thus increasing the educational facilities of the city. For years he was city physician. While in California Dr. Gordon married Miss Helen Gibson, who died in that state in 1874.

Frank I. Given, M. D., who since 1889 has engaged in the practice of medicine and surgery in Hillsboro, acquired his more specifically literary education in the Maine Wesleyan Seminary and prepared for his chosen profession as a student in Bellevue Hospital Medical College of New York, from which he was graduated with the degree of M. D. He located for practice in Auburn, Maine, where he remained until his removal to New Mexico, since which time he has been an active practitioner in Hillsboro, his ability winning him a liberal patronage. He is a member of the American Medical Association and keeps in touch with the advance thought of the profession. Dr. Given was married in Maine, and has two children.

B. E. Lane, M. D., who, coming to New Mexico for his health in 1886, has remained almost continuously since in the Territory, winning prominence and success as a member of the medical profession and now practicing along scientific lines in Las Cruces, was born in the southeastern part of Muskegon county, Ohio, and pursued his preliminary education in the schools of Columbus, that state. Determining upon the practice of medicine as a life work, he matriculated in Columbus Medical College, from which he was graduated in 1880 with the degree of M. D. He practiced for six years in Ohio before coming to New Mexico and then, because of impaired health, sought a change of climate, arriving in this Territory in 1886. He spent eighteen months mostly in Lake Valley, and then returned to Ohio, but after a year settled in Las Cruces in 1888 and has since engaged in the active practice of his profession here. He purchased a drug store from his brother in 1902 and conducted it for three years, but sold out in 1905. His entire attention is now given to his professional duties and to his research and investigation along lines that continually broaden his knowledge and promote his efficiency. He is a member of the American Medical Association, the Territorial Medical Association, the Doña Ana County Medical Society, and of the last named is president. He was a delegate to the Anti-Tubercular League at Atlanta, Georgia, appointed by Governor Otero. Dr. Lane has made a close and earnest study of tuber-





*Ch. H. Henshaw*

case and his efforts in its treatment have been attended with a gratifying measure of success.

In October, 1891, Dr. Lane was married to Miss Anna M. Hunter. They have been born five children. He is a charter member of Valley Lodge, I. O. O. F., and has held office in this order. His interest in community affairs is deep and sincere, while the confidence of his effort in his profession is indicated by the large patronage accorded him.

Charles Cruckshank, M. D., deceased, who won more than a high reputation in the practice of medicine and surgery at San Marcial, was born October 19, 1853, in the province of Quebec, Canada. His education was acquired in the public schools and the military academy in Quebec, from which he was graduated about 1870. In the same year he participated in the defense of Canada during the Fenian raids, and received a silver medal for his services from the Dominion government. He was then but seventeen years of age. His professional education was acquired in the medical department of the University of Michigan, at Ann Arbor, Mich., which he was graduated in 1876, and he located for practice in Escanaba, Mich., where he remained for two years, when he removed to Howell, the county seat of the same county. In 1880 he came to New Mexico and for one year conducted a meat market at San Marcial. He then resided a few months in the state of Washington, and in the spring of 1884 returned to San Marcial, where he entered upon the active practice of his profession, in which he continued until 1898. He spent the winter of 1878 in pursuing a post-graduate course in the Post-Graduate Medical College of New York city. On leaving San Marcial, in the fall of 1886, he went to San Diego, California, and a few months later enlisted for service in the Spanish-American war. As lieutenant of his regiment he went to Cuba, Georgia, and was chief surgeon in the United States army at that time, for which, for seven or eight months, which appointment he received on his discharge from the army. His connection with the military service of the government being terminated, he returned to San Marcial, where he continued in active practice up to the time of his death, which occurred on the 16th of October, 1904. He was a member of the Michigan and New Mexico medical associations and also of the American Medical Association, with which he affiliated in 1898. He was local surgeon for the Santa Fe Railroad Company in New Mexico for a long period and conducted an extensive private practice. He was a serious by nature and he was a man of broad scholarly attainments, ever keeping in touch with the progress made by his profession as the result of experiment, research and scientific investigation.

On the 22d of February, 1877, Dr. Cruckshank was united in marriage to Miss Ida Demaris Westcott, a native of Wayne county, New York, and to them was born a son, Bruce Westcott, now of Springfield, Mass. Mrs. Cruckshank is a lineal descendant of Stokely Westcott, who came to Salem, Massachusetts, from England. He was a friend of John Williams and removed from Massachusetts to Providence, Rhode Island. He once owned the site of Pawtucket, Rhode Island, and the town of Pawtucket was willed by him to his daughter, who was married to an Arnold, became governor of Massachusetts, and John A. Douglass were descendants of the same line. Dr. Cruckshank was in early life a Democrat, and later a Republican.

came a Republican. In 1900 he was elected to the territorial council and served for one term. He belonged to the Independent Order of Odd Fellows and the Ancient Order of United Workmen, and on the day prior to his death was made past grand master of the grand lodge of Odd Fellows. He owned a cattle ranch in Socorro county which he managed in addition to his extensive private practice, which, however, made heavy demands upon his time and attention. He was a man of strong and forceful character, of liberal tendencies and broad views, and commanded the respect and confidence of all with whom he was associated.

D. H. Carns, M. D., who has been located in Albuquerque in the practice of medicine since 1899, is a native of Pennsylvania. After being graduated in the classical course from Western University of Pennsylvania as an alumnus of 1889, he entered the medical department of the same institution, which conferred upon him the degree of M. D. in 1894. For five years he filled the post of chief surgeon for the Monongahela division of the Pennsylvania Railroad with headquarters at Homestead, Pennsylvania, but his health failing, he was compelled to abandon a successful and lucrative practice there in 1899 and remove to the southwest, hoping to be benefited by the climatic conditions. He took up his abode in Albuquerque and his professional labors in New Mexico have been attended with a success commensurate with his admirable qualifications. He has returned east each year to take advantage of the better clinical facilities there afforded, thereby being enabled to keep fully abreast of the most advanced thought of the day in medical and surgical science. His practice is confined principally to surgery. Dr. Carns is a member of the Pennsylvania State Medical Society, the New Mexico Medical Society, of which he is vice-president; the Bernalillo County Medical Society, of which he has been president, and the American Medical Association. He is now city physician of Albuquerque.

W. S. Harroun, M. D., physician and surgeon of Santa Fé, was born in Michigan in November, 1836, and completed his more specifically literary education in Michigan State University, from which he was graduated with the degree of Bachelor of Arts in 1863. He was graduated from the medical department of Georgetown College at Washington, D. C., March 2, 1865, and the following day was assigned to duty in the United States General Hospital at Washington as acting assistant surgeon of the United States army. He continued in that capacity from the 4th of March until the middle of August, 1865, and at the latter date went to Chicago, practicing in that city and vicinity until 1881, when he came to New Mexico. At the time of his removal here he was assistant to the chair of diseases of the chest in Rush Medical College, and for nine years he was a member of the Rush Medical College dispensary, under Dr. Joseph P. Ross. He is one of the oldest practitioners of Santa Fé, having been actively connected with the medical fraternity here for a quarter of a century. A prominent Mason, he was made a member of the craft in Cook county, Illinois, in the '60s, and for many years he was master of Montezuma Lodge, A. F. & A. M., and has been grand master of the Territory. He attained the Knight Templar degree and the thirty-second degree of the Scottish Rite, and is also a member of the Mystic Shrine.

George S. McLandress, M. D., successfully engaged in the practice of medicine and surgery in Albuquerque, was born in Ontario, Canada.



and when two years of age was taken to Saginaw, Michigan. He completed his literary education in the high school of that place, and afterward attended the Saginaw Medical College, from which he was graduated in 1899, while later he took post-graduate work in the Chicago Polyclinic. He first located for practice in Bay City, Michigan, and since the fall of 1903 has practiced continuously in Albuquerque. He belongs to the New Mexico Medical Society, the Bernalillo County Medical Society and the American Medical Association, and is referee for the New Mexico board of health for Bernalillo county. He is likewise vice-president of the County Society. He was, in 1905, associate editor of the *Journal*, of the New Mexico Medical Association, which was established in that year, and in the spring of 1906 was elected its editor.

John H. Sloan, M. D., is one of the oldest practitioners in Santa Fé, in point of years of professional service, and has been engaged in practice there continuously since October 20, 1883. He attended the common and high schools and a preparatory school in Springfield, Illinois, being graduated from the high school before he had reached the age of fourteen. Entering the Cincinnati College of Medicine and Surgery, he was graduated therefrom in March, 1881, after which he practiced in Cincinnati until his removal to Santa Fé. He has since enjoyed post-graduate privileges in Chicago. For fifteen years he has been a member of the New Mexico board of health, and for four years was its president. He has taken an active interest in public affairs. During the administration of Governor Thornton he was attached to his staff with the rank of colonel, and three times has been mayor of Santa Fé, enjoying the distinction of being the only man ever elected to succeed himself in that office. He also served one term as chairman of the board of county commissioners.

Dr. Sloan is now president of the board of trustees of the New Mexico Reform School, at El Rito, and under appointment by Governor Hagerman, January 7, 1906, is insurance commissioner of the Territory. Professionally he is identified with the American Medical Association and the New Mexico Medical Society, of which he was one of the organizers.

Joseph Kornitzer, M. D., who died June 14, 1906, was a physician at Socorro, New Mexico, where he has resided since 1882. He was born October 27, 1824, in Vagh-Ujhely, Hungary, and was a son of Philip Kornitzer, who removed to that place from Moravia. For six years Dr. Kornitzer was a student in the gymnasium at Trencheny and at Budapest, Hungary, while later he pursued a two years' course in philosophy at the university of Vienna, Austria. He then entered upon his medical studies in the Josephinum, an institution for the education of army surgeons in Vienna. When the Hungarian revolution of 1848 was inaugurated he became a private in the Hungarian army, which surrendered at Vilagos, August 13, 1849, to Russian auxiliaries sent to the rescue of Austria's throne. Dr. Kornitzer fled and after visiting his old father he spent several years in teaching school at different places in Hungary, giving his leisure time to the study of anatomy and physiology. When a general amnesty was granted to the rebels by the emperor so that it was safe for him to return to Vienna he resumed his medical studies in the university and was graduated in 1866.

In July of that year Dr. Kornitzer was commissioned surgeon in chief to a hospital ward established at Klosterneuburg near Vienna for the re-

ception of the soldiers wounded in battle in the Austro-Prussian war. When a cholera epidemic broke out in Moravia, where the Prussian army was stationed, he proceeded thither and tried, as far as is known, the first experiment of hypodermic treatment in this disease. In 1868 he came to America and opened an office in New York city. Subsequently he removed to Topeka, Kansas, and while residing there went in February, 1880, to Cincinnati, Ohio, with the intention of publishing a work on the pathology and abortive treatment of zymotic diseases. Lectures and papers which he has prepared on that subject have awakened widespread attention and commendation. While engaged in the compilation of his work in Cincinnati, he was recalled to his home in Kansas by the serious illness of his wife and for the benefit of her health removed to Socorro, New Mexico, in February, 1882. Since 1880 he made a close study of tuberculosis and prepared several articles upon this subject which have been published in medical journals. He intended opening a sanitarium for tubercular patients in Socorro, but was led to change his plans and for nine years thereafter he engaged in the dairy business. He retired from that line of activity, however, in 1890, and established a drug store in order to educate his two daughters in pharmacy and one, Mrs. E. K. Hilton, is now a licensed pharmacist and owns a drug store. Dr. Kornitzer resumed professional service in Socorro, but gave his attention only to office practice. He was a member of the New Mexico Medical Society and aside from the articles already mentioned he was the author of a number of valuable contributions to medical literature. He was a student of various economic and sociological questions as well and he published the "Proclamation of the Redemption of the Soil as the Final Redemption of Society" (1872), and had in manuscript awaiting publication, "Wealth and Progress, a Rhapsody, Revealing the Divine Mission of Money." Dr. Kornitzer was the first to apply hypodermic treatment in Asiatic cholera (1866), the first to apply topically antiseptics in eruption diseases (1878), and the first to apply electrolysis in tuberculosis and other disorders of the respiratory organs (1880).

Dr. Kornitzer was married in 1868 in New York to Miss Dorothy Hernych, of Bohemia, and they have two daughters: Emily K., the wife of J. H. Hilton; and Anna Maria, the wife of C. T. Brown.

Malcolm M. Crocker, M. D., who since 1895 has engaged in the practice of medicine and surgery in Lordsburg, is making a specialty of the treatment of tuberculosis. A native of Washington, D. C., he acquired his early education in army forts in different parts of the country and in Minnesota. Determining upon the practice of medicine as a life work he matriculated in Rush Medical College, of Chicago, from which he was graduated with the M. D. degree, and later he pursued a post-graduate course on the treatment of tuberculosis. He came to Lordsburg in 1895 and opened an office, since which time he has followed his chosen profession here with excellent success, resulting in a comprehensive and accurate knowledge of the principles of the medical science. He is very careful in the diagnosis of a case, rarely if ever at fault in a matter of judgment concerning the outcome of disease and added to his love of scientific research is a broad humanitarian spirit which promotes a sincere interest in the successful outcome of the individual case. He is district surgeon for the Southern Pacific Railroad Company and also for the Arizona and New



*M. M. Crocker, M.D.*



**Mexico Railroad Company** and in addition to his private practice he is interested in mining on a small scale. In his fraternal relations he is connected with Deming Lodge No. 12, A. F. & A. M., and Lordsburg Lodge No. 23, K. P. Interested in matters of public progress, he has served for two years as county commissioner and gives earnest and loyal co-operation to many movements that have been of direct and permanent good in the development and upbuilding of the Territory.

**William Curtiss Bailey, A. M., M. D.,** of Las Vegas, was born in Schenectady, N. Y., February 2, 1852. His father, the Rev. Lansing Bailey, was a Baptist clergyman of New York. His mother, *nee* Louisa Jones, was a native of Schenectady. His grandfather, Joel Curtiss Bailey, was founder of a large stove and furnace manufactory in Utica. His grandmother Bailey was a Stuyvesant, a lineal descendant of Peter Stuyvesant.

In Utica William C. Bailey was educated, preparing for college at Union Academy in that city. He did not complete his collegiate education, but afterward received the degree of Master of Arts. The next three years he spent in the study of medicine, finishing with a post-graduate course at Bellevue Hospital Medical College, New York, and six months in the hospitals in London. From that time until 1891 he practiced his profession in Albion, Orleans county, New York, after which for a year and a half he was in Germany, studying under Professors Koch, Leyden, and others, devoting his attention especially to diseases of the chest. During his residence in Albion, he married Miss Florie Porter, a native of that town. Upon his return to New York from Germany he took charge of the tubercular wards in the Post Graduate Medical School and Hospital, where he was also clinical instructor. He was president of the Central New York Medical Society, and later professor of theory and practice in the Tennessee Medical College.

Dr. Bailey came to Las Vegas, October 8, 1897, to take medical charge at Hot Springs, New Mexico, and was at the head of that institution for a little more than three years. Since 1901 he has continued his work, especially with tubercular cases, at the Plaza Sanitarium, the only institution of its kind in New Mexico, where he treats patients coming from various parts of the country. He has forty-five rooms in the sanitarium, and five rooms in each of two cottages adjoining. In addition to his other work, Dr. Bailey has charge of the Weather Bureau Station, located in that city.

He is a member of the Las Vegas and New Mexico and various other Medical Societies, and has contributed largely to the medical literature of the day.

**O. C. McEwen, M. D.,** of Farmington, was born in Norris City, Illinois, in 1875, and is a graduate of the University of Kansas. He won his medical degree at the St. Louis College of Physicians & Surgeons in 1897 and subsequently practiced in Mound Valley, Kansas, in old Mexico and in Philadelphia for two years, subsequent to which time he came to Farmington in 1899. He is a nephew of Dr. Joseph W. McEwen, a leading surgeon of Philadelphia. In 1900 Dr. O. C. McEwen became county superintendent of schools, in which capacity he served for four years and in 1902 was chosen for a four years' term to the position of county health officer. He is also company surgeon for the Denver & Rio Grande railroad.

C. M. Yater, M. D., who, practicing along modern scientific lines, is recognized as one of the capable physicians and surgeons of the southern part of the Territory, is located at Roswell, having come to Chaves county from Johnson county, Texas. He was born in Tennessee about forty-nine years ago and traces his ancestry back to Henry Yater, his great-great-grandfather, who came from Germany to the new world and as one of the soldiers fought with the English against the colonists in the Revolutionary war and after being taken prisoner by the colonists and made to understand what they were fighting for, enlisted with the colonists and fought with them for four years to the close of the war. William M. Yater, father of Dr. Yater, was born in Kentucky and married Fannie B. Mills, a sister of Senator Roger D. Mills of Texas. They became residents of Tennessee in 1856 and there Mr. Yater was born. They reared a large family, the father devoting his attention to agricultural pursuits. He died in 1891 and Mrs. Yater is still living in Texas.

Dr. Yater was reared in Tennessee, spending his boyhood days upon his father's farm, while his more advanced literary education was acquired in the Masonic Institute at Hartsville, Tennessee. Determining upon the practice of medicine as a life work he began preparation for that calling and pursued his collegiate course in Vanderbilt University at Nashville, Tennessee, from which he was graduated with the class of 1892. He had practiced, however, for eight years on a state certificate as an undergraduate in Texas and for ten years thereafter he continued a representative of the medical fraternity of the Lone Star state.

On the 7th of March, 1902, Dr. Yater came to New Mexico, locating in Roswell, where he has since remained and in the interim he has built up a large and gratifying practice. He is a member of the Medical Associations, County (Chaves) and Territorial, of New Mexico. He is local surgeon of the Pecos Valley Railroad system and in addition is president of the Chaves County Medical Society. He has a large and growing private practice, indicative of the confidence of the public in his professional skill and ability. He is a member of the Independent Order of Odd Fellows at Roswell and for thirty-seven years has been a member of the Christian church, his life being in harmony with his professions.

Eligio Osuna, M. D., physician and surgeon of Albuquerque, was born December 1, 1864, in Monterey, Mexico, of Mexican parentage, and was educated in the schools of his native city and in a medical college at Monterey, which institution has since become a part of the National University at Mexico City. He was graduated on the 30th of October, 1891, as professor of medicine and surgery and practiced in Monterey for two years. He afterward spent three years in Parras in the state of Coahuila, and in 1896 located in Albuquerque, where he has since remained. In Parras he was city physician and also had a large private practice. He has taken post-graduate work in the Chicago Polyclinic, which he attended in 1893. He belongs to the American Medical Association and the New Mexico Medical Society and is a man of broad professional learning and superior skill in practice.

Dr. Osuna was married July 5, 1897, to Miss Aurelia Martinez, of Monterey, and they have six children: Pedro, Maria-Ana, Aurelia, Felipe, Margarita and Benjamin.

Felipe B. Romero, M. D., a physician and surgeon at Albuquerque,

was born in Las Vegas, New Mexico, February 5, 1875, a son of Benigno Romero. His classical education was acquired in his native city and his early professional training was received in the St. Louis Medical College, a department of Washington University, from which he was graduated with the class of 1897. He did post-graduate work in Philadelphia Polyclinic in 1899 and has ever been a close and discriminating student of his profession, being now successfully engaged in the general practice of medicine and surgery. He has comprehensive knowledge of the broad scientific principles which underlie his work, while in their adaptation he is usually correct. In politics he is a strong Republican, active in his support of the party but without political aspiration for himself.

The Romero Drug Company was organized at Las Vegas in 1898 and established a business at Albuquerque in October, 1905, under the immediate direction of Benigno Romero, who was educated in St. Louis University and Jones Commercial College. He was born in Santa Fé, New Mexico, in 1850, a son of Don Miguel Romero, who was born in New Mexico. The father in early days shipped goods from Las Vegas to California and was a prominent factor in the pioneer life of the southwest. He was an acquaintance of Abraham Lincoln and aided in establishing the Republican party in New Mexico in 1860. He was the first American judge of the Territory and in early days he freed his three slaves.

Benigno Romero, having acquired a liberal education and becoming connected with mercantile life, established a general store at Las Vegas fifteen years ago. The Romero Drug Company was then formed in 1898 and opened a wholesale and retail drug house in Las Vegas. The company now owns two stores, the one in Albuquerque having formerly been located in El Paso, Texas. The company manufactures and sells drugs and the business is constantly growing. The firm is composed of Benigno Romero and his two sons, Dr. F. B. and M. A. Romero.

R. L. Bradley, M. D., engaged in the practice of medicine and surgery in Roswell, came from Texas to the Territory in March, 1899. He is a native of Texas, and having acquired a common-school education he continued his studies in the University of Louisville at Louisville, Kentucky, completing a course in the medical department by graduation in the class of 1890. He also did post-graduate work in New Orleans Polyclinic in 1895 and in the New York Polyclinic in 1902, so that broad and comprehensive study has well qualified him for the responsibility which devolves upon him in connection with this profession, which is one of the most important to which man gives his attention. He entered upon practice at Tioga, Grayson county, Texas, in 1890, and during the past seven years has been a member of the medical fraternity in Roswell. He belongs to the Chaves County Medical Society, to the Texas State Medical Society, the North Texas Medical Society and the Territorial Medical Society, and is also affiliated with the Odd Fellows Lodge in Roswell.

W. C. Field, M. D., a representative of the medical fraternity at Las Cruces, enjoying a patronage which is indicative of the confidence reposed in his skill and ability, was born and reared in Merced county, California, and after acquiring his preliminary education in the public schools attended the Stockton Business College and Heald's Business College of San Francisco. His professional training was received in the Cal-

ifornia Medical College, from which he won the M. D. degree upon his graduation with the class of 1893. He practiced for three years in California and then came to New Mexico as physician for the mines at Mogollon, where he remained for seven years. He also became interested in the cattle business, in which he has since continued, running about five hundred head of cattle there. In 1902 he went to Oklahoma and afterward to Chicago, where he did post-graduate work in the Chicago Clinical College and in April, 1905, he located at Las Cruces, where he has since practiced. Already he has gained recognition here as one of the able physicians, for he always keeps in touch with the most advanced ideas and methods of the profession.

Dr. Field was married in 1895, in Mogollon, to Miss Lida May McIntosh and they have two children. Fraternally he is connected with Foss Lodge, K. P., of Oklahoma, Foss Lodge No. 85, A. F. & A. M., also of Oklahoma, and Willow Lodge No. 121, I. O. O. F., of Snelling, California, but his attention is chiefly directed to his professional duties and ranching interests.

Clarence Robertson Bass, B. S., M. D., an up-to-date young physician of Elizabethtown, Colfax county, is a representative of an old Kentucky family. He was born in Campbellsville, Taylor county, Kentucky, April 20, 1877, son of Dr. Samuel Robertson Bass and wife, *nee* Mary Drane. The elder Doctor Bass graduated at the medical department of the University of Louisville in 1866, had a long and successful career as a practitioner of medicine in Campbellsville, and is still living there, now practically retired. Clarence R. was educated in his native state, receiving the degree of B. S. from the Centre College at Danville and his M. D. degree four years later from the medical department of Kentucky University at Louisville. Immediately after medical graduation, in 1902, he settled in Campbellsville, where, however, he remained only one year. August 5, 1903, he landed in Elizabethtown, New Mexico, which he has found a desirable location, and where he has built up a successful practice. He is regular medical examiner for the following insurance companies: The New York Life, the Mutual Life, the Pacific Mutual, the Manhattan Life, and is deputy county health officer. September 20, 1905, Dr. Bass married Miss Jane Matilda Lowrey, daughter of Joseph Lowrey of Elizabethtown. He is a Phi Chi and a Knight of Pythias.

James W. Laws, M. D., a practicing physician and surgeon of Lincoln, is a native of Mississippi, his birth having occurred near Holly Springs, where his childhood and youth were passed. Having completed his literary education, he determined upon the practice of medicine as a life work and was graduated with the M. D. degree from the Memphis Hospital Medical College. He served as interne in the Memphis city hospital and also as acting assistant surgeon in the United States marine service at Memphis. He went to Fort Stanton, New Mexico, in February, 1902, as acting assistant surgeon and there remained for two and a half years and from Fort Stanton he went to Lincoln, taking up his permanent abode in this town in July, 1905. During the years of his residence in New Mexico he has engaged actively and successfully in the practice of medicine and surgery and is a member of the Association of Military Surgeons of the United States. He belongs to the Independent Order of Odd Fellows at Memphis, Tennessee, and to the Knights of



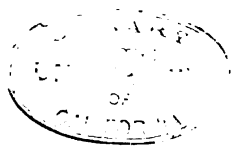




Oliver J. Aslake  
M.D.



W<sup>m</sup>. H. White.



Pythias lodge of Capitan, New Mexico. The doctor contemplates opening a ranch sanitarium for tuberculosis in the near future.

T. W. Watson, M. D., engaged in the practice of medicine and surgery in Lincoln, is of Canadian birth, but was educated in the city of Detroit, Michigan. He is a graduate of the Detroit College of Medicine and pursued a post-graduate course there in 1904. He located for practice in Alto, Michigan, and was for a short time in Toledo, Ohio, before coming to New Mexico. He arrived in Lincoln in June, 1900, and has since followed the practice of medicine and surgery in this city, his capability being attested by a favorable public opinion and a liberal patronage. He is a member of the American Medical Association and of the Territorial Medical Society. His political service has been limited to filling the position of deputy treasurer in Lincoln county, and is at present chairman of the Republican County Central Committee.

Dr. W. H. White, engaged in the practice of dental surgery in Silver City, was born and reared in Greenville, Illinois, acquiring his early education there. His professional training was received in the Philadelphia Dental College and he also attended the University of Chicago and Rush Medical College. He practiced in Illinois and Colorado before coming to New Mexico, the year 1883 witnessing his arrival in the Territory. He reached Silver City in March and soon afterward opened an office, since which time he has been engaged in the practice of dentistry here, covering a period of almost a quarter of a century. He served as a member of the board of dental examiners from the time of the passage of the law in 1893 until 1901. He is now the oldest practicing dentist in years of continuous practice in Silver City and one of the oldest in the Territory. He has kept in touch with the improvement and progress made by the profession and in no other walk of life has more rapid advance been made. He quickly adopts new methods that promise to be of practical benefit in professional work and his labor has been eminently satisfactory, as indicated by the large patronage accorded him.

Dr. White was married in Iowa and his wife and family are with him in Silver City. He is a member of Silver City Lodge No. 413, B. P. O. E. In community affairs he takes a deep interest and has served as a member of the city council, while in other ways he has contributed to the welfare and upbuilding of this part of the Territory.

O. J. Westlake, M. D., who since 1900 has followed his profession in Silver City, is a native of Kansas, having been born and reared near Seneca. His literary course was followed by four years devoted to teaching in the public schools of that state. He won his M. D. degree from the Kansas City Medical College, after having studied for one year in the Campbell University at Holton, Kansas. He entered upon the practice of medicine in Kansas City, where he remained for two years, and in 1900 he came to Silver City. He is surgeon for the Comanche Mining and Smelting Company and for the Burro Mountain Copper Company and is insurance examiner and has a large private practice, which indicates the confidence reposed by the public in his ability. He maintains a high standard of professional ethics and reading and investigation keep him in touch with the trend of modern thought in the line of medical and surgical practice. Dr. Westlake is married and has a pleasant home in

Silver City. He belongs to Silver City Lodge No. 8, A. F. & A. M., and B. P. O. E. No. 413.

William Mac Lake, M. D., a physician and surgeon at Silver City and territorial health officer for Grant county, was born at Vassar, Michigan, May 23, 1875. He pursued his education in the public schools of Detroit and of Saginaw, that state, and was for a year student in the literary department of the University of Michigan at Ann Arbor, after which he matriculated in the medical department, from which he was graduated with the class of 1898. During the succeeding year he practiced in that city and subsequently went to Pontiac, Michigan, where he became a member of the staff of the Eastern Michigan Hospital for the Insane. He acted in that capacity until September, 1903, when he came to Silver City, New Mexico, and in April, 1904, opened an office for practice, making a specialty of tuberculosis. He is a member of the American Medical Society, the Territorial Medical Association, and the Grant County Medical Society and is the present territorial health officer for Grant county. Thorough preliminary training with supplementary reading, investigation and research have well qualified him for his chosen profession. Dr. Lake was married at Grand Rapids, Michigan, October 12, 1904, to Miss Anna Joy Clapperton, of that city.

Edwin Swisher, M. D., engaged in the practice of medicine in Magdalena, came to New Mexico in 1895, at which time he settled in Socorro. He is a native of Staunton, Augusta county, Virginia, and he pursued his professional education in New York University, from which he won his degree, and in Bellevue Medical College of New York city. He located for practice in Joliet, Illinois, where he conducted an office and had a good business until 1895, when for the benefit of his wife's health he came to New Mexico and opened an office in Socorro. There he practiced continuously until May, 1905, when he removed to Magdalena, where he is now successfully following his profession. He is physician for the Graphic, Key and numerous other mining companies and while in Joliet, Illinois, he was president of the United States pension examining board. His practice has reached large proportions and the consensus of opinion regarding his ability is altogether favorable.

Dr. Swisher was married in Peoria, Illinois, to Miss Marie Monahan, who died in 1900, leaving three children: Will, who went to the Philippines with the United States army in the Spanish-American war and is now studying medicine in Chattanooga, Tennessee; Marie, who is a student in the convent at Socorro; and Edwin, who is attending school at Mesilla Park, New Mexico. Dr. Swisher belongs to Rio Grande Lodge No. 3, K. P.

Robert Edwin McBride, M. D., physician and surgeon at Las Cruces and secretary of the New Mexico Medical Society, is a native of Thibodaux, Louisiana, which place was named in honor of his great-grandfather, at one time acting-governor of the state. Dr. McBride acquired his preliminary education in the private schools of New Orleans and, determining upon the practice of medicine as a life work, became a student in the medical department of Tulane University in the Crescent city, from which he was graduated in 1896. He practiced in southern Louisiana until 1904, since which time he has been in Las Cruces, and as a general practitioner has shown comprehensive knowledge of various departments

of the medical science together with a correctness in diagnosis and in the administration of remedial agencies that has won him high and well merited reputation as a member of the medical fraternity. He is proprietor of the Las Cruces Sanatorium, located on the old Alameda ranch, and his standing in the regard of his professional brethren is indicated by the fact that he has been chosen to the office of secretary of the New Mexico and also of the Doña Ana County Medical Societies.

Samuel Columbus Clarke, M. D., engaged in the practice of medicine and surgery in Bernalillo, was born December 15, 1873, and was educated in the public and high schools of Oskaloosa, Kansas, his native city, and in Kansas City Medical College of Kansas City, Missouri, a school that is now a part of the medical department of the State University of Kansas. He received his medical degree in 1895 and located for practice in New Mexico in 1901, at Madrid Santa Fé county, where he was surgeon for the Colorado Fuel & Iron Company. He left that place in 1905, removing to Bernalillo, where he has continued in the active practice of medicine and surgery to the present time. He is registered to practice medicine in the states of Kansas and Colorado, the Territory of New Mexico and the republic of Mexico, and professionally is a member of the American Medical Association and the New Mexico Medical Association. He is also surgeon for the New Mexico Fuel & Iron Company, for the Indian department for the United States government and for the Plazas of Cochiti and San Domingo in the county of Sandoval.

Dr. Clarke was made a Mason in Carbondale, Colorado, in Carbondale Lodge No. 82, A. F. & A. M., in 1901, and attained the thirty-second degree of the Scottish Rite in Colorado Consistory in 1903. He is also a member of Ballut Abyad Temple of the Mystic Shrine at Albuquerque since 1903, and was raised by the supreme council, thirty-third degree, in October, 1905, to the degree of Knight Commander of the Court of Honor. He became a member of Oskaloosa Lodge No. 52, K. P., in 1893, of Santa Fé Lodge No. 460, B. P. O. E., in 1904, Walsenburg Lodge No. 187, Woodmen of the World, in 1900, Ozawkie Lodge No. 87, A. O. U. W., in 1895, and Ozawkie Camp No. 1487, M. W. A., in 1895.

Adelard E. Bessette, a physician and surgeon of San Marcial, was born in Canada about sixty miles from Montreal on the 20th of January, 1874. His common school advantages were supplemented by study in the normal school at Quebec, from which he was graduated in June, 1898, and the liberal education served as an excellent foundation upon which to rear the superstructure of professional learning. Entering Rush Medical College at Chicago, Illinois, he was graduated therefrom in the class of 1902 with the degree of M. D. and added to his theoretical training the broad practical experience of six months' service as interne in the Cook County Hospital. He practiced for one year at Blue Island, Illinois, and then on account of impaired health sought the benefit of a change of climate, locating in Albuquerque, New Mexico, in 1903. On the 20th of June of the same year he went to San Marcial as railroad surgeon and has since acted in that capacity in addition to performing the duties of a growing private practice, which has already assumed very extensive proportions. His superior ability has won ready and deserved recognition in his success. Fraternally Dr. Bessette is connected with the Knights of

Columbus and Foresters. He is a member of Atchison, Topeka & Santa Fé R. R. Medical Society, also the New Mexico Medical Society.

W. C. Kluttz, M. D., removing to Tucumcari in 1902 for the benefit of his own health, has since engaged in the practice of medicine here, and has found that the climatic conditions are entirely favorable. He won his professional degree from the University of Pennsylvania, and supplemented his theoretical training by practical experience of a year and a half's hospital work in Philadelphia, following his graduation from college. He then practiced for two years in North Carolina, but his health became impaired and, seeking a change of climate, he came to New Mexico. Choosing the new town of Tucumcari as a favorable location, he opened an office here and has been very successful in his practice. He is a member of the American Medical Association, of the Territorial Medical Association and the American Association of Railway Surgeons, and through these avenues keeps in touch with the most advanced thought of the profession. He is quick to adopt new methods, and at the same time is slow to discard the old and time-tried methods of practice whose value has been proven. He practices along scientific lines and excellent results, professional and financial, have followed his labors.

Meldrum Keplinger Wylder, M. D., engaged in the practice of medicine and surgery along scientific lines in Albuquerque, was born in Carlinville, Illinois, in 1877. After acquiring a public-school education he engaged in teaching, and subsequently pursued a scientific course in Marion Normal College at Marion, Indiana, from which he was graduated with the degree of Bachelor of Science in the class of 1897. He subsequently matriculated in the medical department of the Washington University at St. Louis, Missouri, which conferred upon him the M. D. degree in 1901. He was interne in the St. Louis Female Hospital for one year, and for one year practiced as assistant to Dr. Brokaw. On account of impaired health he came to New Mexico in 1903, and has since practiced with constantly growing success in Albuquerque. He belongs to the American Medical and the New Mexico Medical Associations, and is now first vice-president of the latter. He was made a Mason in Illinois and an Elk in Albuquerque, and is now identified with the Masonic lodge in this city.

E. M. Clayton, M. D., a practitioner at Albuquerque, was born in St. Louis county, Missouri, and is a graduate of the Barnes Medical School, at St. Louis, of the class of 1899. He began practice in Albuquerque and was afterward located at Gallup for six years, and during a few months of that period was physician for the Caledonian Coal Company. Since November, 1905, he has been in practice at Albuquerque, where a liberal patronage has been accorded him in recognition of his excellent qualifications and the ability which he has manifested in the restoration of health. He belongs to the New Mexico Medical Society and to the Bernalillo County Medical Society.

Jesse R. Gilbert, M. D., engaged in the general practice of medicine and surgery in Alamogordo, is a native of Kentucky and was graduated with the Bachelor of Science degree from Central College at Sulphur Springs, Texas. His literary education was supplemented by professional training in the medical department of the University of Louisville, in Kentucky, of which he is an alumnus of 1894. He located for practice





*J. R. Gilbert M.D.*



in Ranger, Texas, where he remained until in October, 1900, he removed to Alamogordo, where he has since lived. His professional service is of a high order of proficiency and excellence, and has won for him a large and constantly growing patronage. He was one of the founders of the Otero County Medical Society, of which he has served as vice-president, and he has likewise been a delegate to the New Mexico Medical Council. Since 1901 he has belonged to the New Mexico Medical Society, and is a member of the American Medical Association, keeping in touch, through these various relations, with the progress that is constantly being made by the medical fraternity along the lines of scientific research, investigation and practice.

J. M. Diaz, M. D., of Santa Fé, was born in Monterey, Mexico, in 1868, pursued his professional education in the Monterey medical school, and on the completion of a six years' course was graduated in 1891. He has practiced in Santa Fé since 1892, and is railway surgeon for the A., T. & S. F., and Santa Fé Central Railroad Companies. In the fall of 1906 he erected a private hospital, having accommodation for thirty patients. He belongs to the American Medical Association, the New Mexico Medical Society and the Association of Railway Surgeons, and is medical examiner for several insurance companies.

David Knapp, M. D., who has been engaged in practice in Santa Fé since 1894, is a graduate of the Detroit College of Medicine of the class of 1891. He located first for practice in Detroit, and was afterward in Los Angeles, California, for a short time, pursued post-graduate work in the University of Berlin, the University of Heidelberg, the University of Munich, and in Paris and London, thus acquainting himself with the most advanced methods of practice of the renowned physicians and surgeons of the Old World. He is a member of the New Mexico Medical Society and the American Medical Association, and represented the Territory in the Pan-American Medical Congress in the City of Mexico in 1897, where he read a paper on tuberculosis of the bone. He was appointed physician to the penitentiary in 1900 and served for six years. He was a captain and surgeon of the Cavalry of the National Guard during Governor Thornton's administration. He is a member of the Elks lodge and has been chief examining surgeon for the Equitable Life Insurance Company for several years, and also for other standard companies.

Charles D. Smith, M. D., engaged in the practice of medicine at La Plata, was born in Indiana in 1871 and pursued his professional education in the University of Nashville, where he won his Doctor of Medicine degree in 1899. He afterward practiced in Logansport, Indiana, until 1902, when he located in La Plata, San Juan county, New Mexico. Since 1905 he has been county superintendent of schools, and he is president of the San Juan County Teachers' Association. He also has a good practice as a physician and surgeon. Fraternally, he is an Odd Fellow, having been made a member of Logansport Lodge in Indiana.

Elmer P. Blinn, M. D., physician and surgeon of Kelly, New Mexico, was born in Sparta, Ohio, January 12, 1850, and pursued a public school education there. His professional training was received in the Detroit Medical College and in the Hahnemann Medical College at Philadelphia, from which he was graduated. Later he pursued post-graduate work in

the New York Homeopathic Medical School. He practiced in Marysville, Ohio, from 1875 until 1882, when he came to New Mexico on account of his wife's health.

In Ohio, in December, 1880, Dr. Blinn had married Miss Alice Ferguson. They have two children, John and Merle, the daughter. In 1882, because of the ill-health of Mrs. Blinn, they removed to Chloride, New Mexico, where Dr. Blinn entered upon the general practice of his profession, and also became interested in mining as a side issue. He resided at intervals in Chloride and also at Kelly until 1905, when he took up his brother's practice in the latter place and is now well known as a physician and surgeon here. He was contract surgeon during the Apache war and was with the troops on the campaign for six months. He has also been interested in mining throughout the period of his residence in the Territory, and has made some profitable investments in this direction. Dr. Blinn is a Knight Templar Mason and is a past master of Western Star Lodge No. 14, A. F. & A. M., at Chloride, New Mexico.

C. M. Mayes, M. D., removed from Sherman, Texas, to Boswell on the 1st of June, 1903, and has since engaged in the practice of medicine in the latter city. He had been a practitioner at Sherman, Texas, for seven years. His literary education was acquired in the public schools of Texas and he prepared for the profession in the Louisville (Kentucky) Medical College, from which he was graduated in the class of 1885. He practiced for eleven years in Archer City, Texas, and took post-graduate work in the Chicago Polyclinic in 1893. He afterward practiced in Sherman, Texas, and thence came to Roswell, where his ability has gained him recognition as an able representative of the medical fraternity. He is a member of the Texas State, the Northern Texas and the Grayson County Medical societies, of Texas, also the Chaves County Medical Society, the Territorial Medical Society and the American Medical Association.

Charles H. Waldschmidt, M. D., a general practitioner of medicine and surgery in Alamogordo, was born in Iowa. His professional training was received in Rush Medical College of Chicago, Illinois, from which he was graduated in the class of 1886, subsequent to which time he practiced successively in Chicago and Elgin, Illinois, in Nebraska and in Iowa. In 1893 he came to New Mexico, opening an office for practice at Eddy, now Carlsbad, where he remained until Alamogordo was founded, when he removed to this place. He is a member, was one of the organizers and the first president of the Otero County Medical Society, which was established in the winter of 1904-5. He also belongs to the New Mexico Medical Society and is one of the best known and most successful practitioners in the Territory. He is a high-minded and public-spirited man, deeply interested in the welfare of New Mexico, and particularly in Otero county, his devotion to the general good finding tangible evidence in the hearty co-operation which he gives to all measures that are based upon the needs and possibilities of the county for development and improvement.

J. L. Norris, M. D., engaged in the practice of medicine and surgery in Estancia, came to the Estancia valley in 1901 and located in the town in 1903. He is a native of Washington, D. C., and won his professional degree from the National University at Washington in 1897, on the completion of the regular course. He afterward obtained broad practical ex-



*C. H. Waldschmidt*



perience in the health office at Washington in the department of contagious diseases and he served as acting assistant surgeon of the United States in the Philippines for some time during the insular war. Later returning to Washington, he re-entered the health service in the capital city, whence he came to the Estancia valley, and since 1903 has successfully practiced his profession in the town where he now resides. He is also agent of the townsite company.

T. B. Lyon, M. D., seeking a change of climate for the benefit of his health, came to Raton in 1898 and has since engaged in the practice of medicine and surgery here. He is also the owner and manager of the Alta Vista ranch, a resort established in the spring of 1904, six miles northeast of Raton, for tubercular patients—an institution of much value to the community. Dr. Lyon is a native of Ypsilanti, Michigan. He completed his more specifically literary education at the Northern Indiana Normal School at Valparaiso, from which he won the Master of Arts degree. His professional training was pursued in the Rush Medical College, of Chicago, from which he won the degree of M. D., and he practiced both in Chicago and South Bend, Indiana, before coming to New Mexico. He left the latter city on account of his health in 1898 and made his way to Raton, where he has since resided. He has, however, pursued post-graduate work since that time, entering the Chicago Polyclinic in 1902. He has been a close and earnest student of his profession and has a wide and comprehensive knowledge of modern methods, which have proven of direct and immediate serviceableness in practice. He has a large private practice, and the excellence of the climate and country as a cure for tubercular troubles has led to the establishment by Dr. Lyon of the Alta Vista ranch resort, which is pleasantly located about six miles northeast of Raton. It is a thoroughly modern and up-to-date sanitarium, with splendid equipment, and affords every facility for the cure of tubercular troubles. The doctor sold this ranch May 1, 1905. Dr. Lyon is also secretary of the board of pension examiners. On the 1st of June, 1892, was celebrated the marriage of Dr. Lyon and Miss Addie L. Snyder, of Bristol, Wisconsin.

Captain B. Ruppe, who came to Albuquerque in 1879, was for a year employed as a clerk by F. H. Kent in his drug store in Old Albuquerque.

In 1883, however, Mr. Ruppe embarked in business on his own account in the old town, and in 1892 removed to the new town. The following year Governor Thornton appointed him a member of the territorial board of pharmacy, which office he has since held, having been twice reappointed by Governor Otero. Since 1899 he has continually been president of that board.

Captain Ruppe, in connection with others, established a school of pharmacy at the University of New Mexico a few years ago, and during its existence, covering about a year, he lectured there on pharmacy and materia medica. His interests have touched many lines of activity and enterprise having direct bearing upon the welfare and progress of his city and Territory. In 1893 he entered the Albuquerque volunteer fire department and served as chief from 1896 until 1900, and again from the fall of 1900 until 1902. When he retired from the department in 1900 the members of the organization united in presenting to him a handsome silver service of nine pieces as a testimonial to the efficiency of his labor

in behalf of the department and as proof of the high personal regard in which he was held. He was chiefly instrumental in the reorganization of the department to a full pay system, as it is maintained today.

On the 30th of March, 1904, Captain Ruppe was commissioned captain of Company G of the New Mexico National Guard, which had become badly demoralized. He has worked diligently to place the organization upon a better footing and has accomplished excellent results in that direction. Captain Ruppe was also the chief organizer of the local lodge of Elks and his membership card is the first that was issued. He was the first exalted ruler of the lodge, and for three years filled the office of district deputy. He is likewise the oldest officer of Albuquerque Tent of the Maccabees, which he organized. He was the first presiding officer of the Woodmen of the World, of which he was an organizer, and is past chancellor of the Knights of Pythias and assisted in the organization of many lodges in that order. He was also past chief ranger in the defunct lodge of Foresters. He is president of the Fraternal Brotherhood, which has a membership of 220.

In 1901 Captain Ruppe became the chief moving spirit in the organization of the Association of Volunteer Firemen of New Mexico, and was its president up to 1905. Besides his pharmacy he is one of the owners of the works of the Albuquerque Pressed Brick & Tile Company, which was incorporated in the spring of 1906 by Captain Ruppe and W. J. Johnson.



## THE NEWSPAPER PRESS.

The first printing press ever used in New Mexico was brought from Chihuahua, Mexico, in 1835, by Don Santiago Abreu. The press was set up at Taos, and there the first newspaper in the Territory was printed. Father Martinez controlled this paper, called *El Crepusculo* (*The Dawn*), for his own political advancement, and it was continued only a few weeks, until its political end was achieved. According to records in the possession of Mrs. Petra B. Abreu, of Rayado, after the death of Abreu, his widow sold the press to Father Martinez. It will be remembered that the Kearny Code was printed on an old press brought to the capital by General Kearny in 1846. The second paper in Taos was *El Herald*, established by Sancho Valdez; the *Taos Cresset* was established by Frank Staplin, and succeeding it is *La Revista de Taos*, the present weekly paper, which was founded by Jose Montaner March 15, 1902.

The first English paper in New Mexico was the *Santa Fé Republican*, published in 1847, shortly after the American occupation. In the same year was begun the publication of the *Santa Fé New Mexican*, which was discontinued, and the present paper of that name dates from 1862. The *Santa Fé Gazette* was published between 1851 and 1860, on the press used to print the Kearny Code.

Of the sixty odd periodical publications in New Mexico at this time, with only two or three exceptions, none of them date their beginning before the eighties. In 1850 there were only two newspapers in the Territory, and there was no increase in the next decade. In 1870 there were five publications, the number being increased during the following ten years to 18.

The New Mexico newspapers in 1882 were the following:

Albuquerque—*Journal*, daily and weekly; *Review*, *Revista*, *Miner and Manufacturer*.

Bernalillo—*News*.

Deming—*Headlight*.

Georgetown—*Silver Brick*.

Golden—*Retort*.

Las Vegas—*Gazette*, daily and weekly; *Optic*, daily and weekly; *Revista Catolica*, *Mining World*.

Las Cruces—*Rio Grande Republican*.

Lordsburg—*Advance*.

Mineral Hill—*Mining City News*.

Mesilla—*News*.

Raton—*News and Press*.

Silver City—*New Southwest*, *Mining Chronicle*, *Telegram*.

Santa Fé—*New Mexican*, daily and weekly; *Mining News*, *Nuevo Mexico*, *Christian Advocate*, *Democrat*, *Military Review*.

San Lorenzo—*Red River Chronicle, Cronica.*

Tiptonville—*Mora County Pioneer.*

White Oaks—*Golden Era.*

The periodical publications of New Mexico, according to the American Newspaper Directory for 1904, were sixty-three in number, consisting of five daily and fifty-seven weekly papers, and one monthly publication. Classified according to alphabetic order of towns, they are, with dates of founding, as follows:

Alamogordo—*News*, established 1896. *Otero County Advertiser*, established 1900.

Albuquerque—*Citizen*, daily, established 1886, the weekly in 1891; *Journal-Democrat*, daily; established 1880; *Weekly News*, established January, 1897; *Bandera Americana*, *Hormiga Deoro*, both weeklies, and *Abogado Cristiana*, monthly; *Industrial Advertiser*, established 1889. At Old Albuquerque is *El Indito*, established 1900.

Aztec—*San Juan County Index*, established 1888.

Capitan—*News*.

Carlsbad—*Argus*, established 1889; *Current*, established 1892; *Miner-Stockman*.

Cerrillos—*Comet* (weekly), established February, 1882.

Clayton—*El Fenix*, established 1899; *Enterprise*, established 1889.

Deming—*Graphic*; *Headlight*, established 1880.

Farmington—*Hustler*, established January, 1901; *San Juan Times*, established 1891.

Gallup—*McKinley County Republican*, established 1888.

Hillsboro—*Sierra County Advocate*, established 1883.

Las Cruces—*Citizen*; *El Labrador*, established 1897; *El Tiempo*, established 1882; *Progress*, established 1886; *Rio Grande Republican*, established 1881.

Las Vegas—*Optic*, daily and weekly, established 1879; *Advertiser*, *El Independiente*, established 1894; *La Voz del Pueblo*, established 1888; *Revista Catolica*, established 1875.

Lordsburg—*Western Liberal*, established 1887.

Portales—*Herald*, established 1902; *Times*, established 1903.

Raton—*Gazette*, established 1898; *Range*, established 1881; *Reporter*, established 1890.

Red River—*Prospector*, established 1900.

Roswell—*Record*, established daily in 1902, weekly in 1891; *Pecos Valley Stockman*, established 1900; *Register*, established 1888.

San Marcial—*Bee*, established 1892.

Santa Fé—*New Mexican*, daily, and *New Mexican Review*, weekly, established 1862; *Bulletin*, established December, 1902; *El Boletin Popular*, established 1885; *El Nuevo Mexicano*, established 1865.

Silver City—*Enterprise*, established 1881; *Independent*, established 1896.

Socorro—*Chieftain*, established 1882; *Republicano*.

Springer—*Colfax County Stockman*, established 1882.

Taos—*La Revista de Taos*, and *Cresset*, established 1894.

Tres Piedras—*Mining Reporter*, established September, 1903.

Tucumcari—*Quay County Democrat*, established January, 1902; *Times*.

Wagon Mound—*El Combate*, established October, 1902.

White Oaks—*Eagle*, established 1885.

The weekly edition of the *New Mexican* was first issued in Santa Fé in 1863 by Manderfield & Tucker, editors and proprietors. The office was then situated on what is now known as Galisteo street, on the north side of the River Santa Fé, between Water street and the river. It was located for several years in a one-story adobe building which was torn down about twenty years ago. It appeared partly in the English and partly in the Spanish languages. It continued as a weekly until July, 1868, when it was made a daily. The line of the Western Union Telegraph Company had been constructed to Santa Fé and telegraphic communications to Denver, to the north, and with Kansas City, to the east, had been obtained. From 1868 to 1880 it was the only daily paper in New Mexico.

The weekly edition was continued. On March 1, 1881, the ownership was changed, Manderfield & Tucker having sold their interests to a corporation organized by officials of the Atchison, Topeka & Santa Fé Railway Company. On June 1, 1883, ownership was transferred to Max Frost, then register of the United States land office in Santa Fé, and W. H. Bailhache, then receiver of the United States land office in Santa Fé. The paper was conducted by them as managers and editors until 1885, when a stock company was organized under the name of the *New Mexican* Printing Company, of which Max Frost, W. H. Bailhache and C. B. Hayward were the stockholders. From June 1, 1883, to January 1, 1894, Col. Frost was the president and manager of both the private and incorporated company and the editor of the daily and weekly editions. A Spanish edition of *El Nuevo Mexicano*, published weekly, was inaugurated July 1, 1892. This edition is also an active publication at this date. On January 1, 1894, control of the corporation went from Col. Frost, who was the leading stockholder, to W. T. Thornton, then governor of the Territory of New Mexico, and associates. The paper, which had been Republican from date of its issue to January 1, 1904, was turned into a Democratic organ and remained such until January 25, 1897, when Col. Frost and his associates again secured control. The policy of the three issues was changed on that date and the papers became again adherents and advocates of the principles of the Republican party.

The *Daily New Mexican* is the oldest daily paper south of Denver west of Topeka and east of San Francisco. The weekly edition is the oldest weekly west of Topeka, south of Denver and east of San Francisco. The daily has grown from a four-column folio quarto of four pages to an eight-page seven-column quarto. The weekly edition, which is called the *New Mexican Review*, is also an eight-page paper.

Col. Max Frost became connected with the paper first in the capacity of a correspondent on May 1, 1876; thereafter in a reportorial and editorial capacity and on the first of June, 1883, assumed editorial charge, which he has continued ever since except from January 1, 1894, to January 25, 1897. During his connection with the paper he was adjutant general of the Territory, appointed by three governors—acting Governor W. G. Ritch, Governor Lew Wallace and Governor Lionel A. Sheldon. He served as colonel of the first regiment of militia by commission of Governor Sheldon from July 1, 1882, to July 1, 1886, when he resigned. He was register of the United States land office from December, 1881, to May 1, 1885. He

has served as county commissioner of Santa Fé county and member of the city board of education, and has been secretary of the bureau of immigration twelve years.

The first newspaper to be published in the English language in the old town of Albuquerque, so far as can be learned, was established about 1860 by Theodore S. Greiner, and named the *Review*. It was published weekly. He sold it two or three years later to Hezekiah S. Johnson, afterward judge of the district court, who in turn sold it to M. Ashe Upson. The latter changed the name to that of *Rio Arajo Press*. In the meantime Johnson had gone east, about 1865, and upon his return in 1867 he purchased the paper from Upson and published it under the name of the *Albuquerque Review*. In 1869 Major H. R. Whiting took possession and published it as a semi-weekly in English and Spanish. The year following it passed into the possession of Dr. John Symington, and a year later was purchased by Norberto Saabedra, who published it in Spanish, but under the name of the *Review*. Saabedra sold it soon afterward to William McGinnis, and the latter sold it to W. H. Bailhache, who continued its publication until J. G. Albright moved the *Santa Fé Democrat* to Albuquerque, in 1882, when the *Review* was merged with the new paper under the name of the *Democrat*.

June 5, 1880, the first daily was issued, *Daily Golden Gate*, the publisher and editor being E. W. Deer. He died in the fall of 1880 and the paper came into the hands of James A. Spradling as *Albuquerque Republican*. Thomas Hughes bought out Spradling and sold to the Journal Publishing Company.

The *Daily Journal* at Albuquerque was founded by Daniel Taylor, Thomas Hughes and Mr. Messenger, in connection with a job office. W. S. Burke as head of the newly organized Albuquerque Publishing Company bought them out in the fall of 1881. They began its publication in 1882. W. S. Burke has been with the paper ever since. J. C. Albright, who began publishing the *Santa Fé Democrat* January 1, 1882, brought his *Democrat* down from Santa Fé and, buying the *Journal*, merged it with the *Democrat*, the *Albuquerque Democrat*. It continued thus to 1894 or 1895, when A. A. Grant bought the entire outfit and continued it as the *Journal-Democrat* for two or three years. Since 1897 or 1898 the paper has been known as the *Journal*. In politics always Republican except when Albright had control.

W. S. Burke, editor, was born in Brownsville, Pa., November 2, 1835. He never attended school. He learned the printers' trade in the *Intelligencer* office in Wheeling, W. Va., 1853, and one and one-half years later moved to Iowa. He afterward went to Council Bluffs, where he had a job in the *Nonpareil* office, and finished his trade in 1856. Buying the *Nonpareil* office in 1863, he ran it to 1868, when he moved to Leavenworth, Kansas, and bought the *Bulletin*. One and one-half years later he sold it to D. R. Anthony and remained as editor of the *Times*—Anthony's paper—until 1880, when he came to New Mexico. In 1881 he bought the *Albuquerque Journal*, and the rest of his record is in the history of the *Journal*.

Mr. Burke served in the Civil war, raised a company for the Seventeenth Iowa Infantry, Colonel J. W. Rankin, and served in Tennessee, Mississippi and Georgia. He was first superintendent of schools for

Bernalillo county and founded the system in Bernalillo county, then including Albuquerque and Old Albuquerque.

Other papers at Albuquerque have been: *The Adobe Land*, by C. E. Stivers; *Daily Times*, by J. H. Hurd and W. Kite; *The Montezuma*, by O'Connor Roberts and Howard W. Mitchell (monthly); *Southwestern Illustrated Magazine*, by George F. Albright & Company; *Sunshine*, by Rev. Jacob H. Kaplan; *The Barbarian*, by Rev. Jacob H. Kaplan.

The *Evening Citizen* of Albuquerque was established in 1885 by Charles L. Hubbs. In the fall of 1886 it was purchased by Thomas Hughes, who was its proprietor and editor until William T. McCreight purchased half interest in 1888 and became its business manager and city editor.

Before this McCreight was telegraph and city editor, besides foreman and typesetter, on both the *Morning Journal* and *Daily Democrat*. He was for many years the acknowledged fastest and cleanest type-setter in the Rocky mountains regions, and in several type-setting contests in the early days of Albuquerque, with swifts who showed up, he frequently made an average of from 2,000 to 2,400 ems of bavier per hour, fat barred, in a race of from eight to nine hours' composition, and was never defeated.

In those early days, twenty odd years ago, it was conceded that Albuquerque had the fastest set of old-line case type-setters in the country, and among the names were W. F. McCreight, Oscar Harell, Frank Wandress, Joe Prentiss, Charles Beach, "Shorty" Evans, Frank Hall and Harry Howe.

The *Evening Citizen* was conducted by Hughes and McCreight until April 1, 1905, and on account of the serious illness of Mr. Hughes it was sold to a company, of which W. S. Strickler, vice-president and cashier of the Bank of Commerce, is the president, W. T. McCreight being retained as its business manager and city editor.

Mr. Hughes came to Albuquerque in the spring of 1881, from Marysville, Kansas, and in the fall of that year purchased the *Albuquerque Morning Journal* from James A. Spradling, the founder of the paper. He conducted it for a year or two with Daniel Taylor and Maurice Messenger as his partners, and later it was sold to a company composed of Governor E. S. Stover, Franz Huning, Judge W. C. Hazeldine and several others, who took some little stock in the company. The paper finally collapsed under bad management from various imported managers, who ran it heavily into debt, and at a public sale Colonel J. G. Albright, the publisher and editor of the *Daily Democrat*, purchased the plant and good will and Associated Press morning franchise for a mere song. In later years the *Daily Democrat* went on the rocks under the proprietorship of Colonel Albright, and A. A. Grant, extensive railroad contractor and owner of all the public utilities of Albuquerque at that time, lifted a mortgage of about \$9,000 held on the *Democrat* by Thomas B. Catron, and became the owner of the paper. It was conducted under the hyphenated name of the *Journal-Democrat* for several years and finally the name of *Democrat* dropped. Since then A. A. Grant has died and the paper is now owned by his son, Daniel Grant, who lives in Los Angeles.

Mr. Hughes was postmaster of Albuquerque for four years and served Bernalillo county in the council of the Territorial legislature for four terms. He was the shrewdest Republican politician in Bernalillo county

and city of Albuquerque. At the time of his death, which occurred on June 30, 1905, he was fifty-nine years of age. He was one of the best editorial writers in the southwest and could say as much in half a dozen lines as it would take an ordinary writer to say in a column or more, and especially strong was Mr. Hughes in political campaigns. He and McCreight were bosom friends and partners since the inception of the town of Albuquerque and no one deplored his death any more than McCreight.

W. T. McCreight is a native of Kentucky, his old home being Shelbyville. He published a paper when eighteen years old in Franklin and Paducah, Kentucky. In September, 1880, he left Paducah for St. Louis and on September 12th he picked up the *Globe-Democrat* and read a want-ad. for a printer to go to New Mexico, it being signed James A. Spradling, care Lindell House, St. Louis. He answered the ad., little thinking that his application would be accepted. His application was to the point, a copy of which he still has in his possession. It reads: "I am a printer. Merit will tell." Mr. Spradling received thirty-eight applications that day, but they all knew too much, and he accepted McCreight. This is how McCreight came to New Mexico, he landing in the old town of Albuquerque (for the new town was only a few tent saloons and dance halls) on the morning of the 17th of September, 1880. Besides being a printer and an all-around newspaper man, he was an athlete and enjoyed all kinds of outdoor sports. He organized the first baseball club of the southwest and for years was captain and manager of the champion club of the southwest, Browns and Maroons. He organized the first typographical union of the southwest at Albuquerque and is a charter member of the present Typographical Union. He has always stood by unionism, but is outspoken in opposing the payment of the same wages to incompetents that it paid to competent workmen. He was foreman of the Schenfield and later the Ferguson hook-and-ladder company and afterward served four years as the chief of the volunteer fire department of Albuquerque. He organized the first athletic association of Albuquerque and was its first president. He was one of the prime movers in the organization of the New Mexico Volunteer Fire Association and at the first convention held in Albuquerque was elected its first president. In his career he entered politics and ran for city clerk of Albuquerque, being elected over a very strong candidate, R. W. Hopkins, the present postmaster, by a handsome majority. In the early days he was secretary of the New Mexico Editorial Association and represented that association at the next annual convention of the National Editorial Association at St. Paul, Minnesota, he being the first member from New Mexico to attend a national association of editors and newspaper men generally. He has a wonderful memory and can almost tell every important event which has happened in Albuquerque since the inception of the town. His memory on names of persons and their initials is equally as wonderful, while his spelling and knowledge of the country are beyond contradiction. The reason that he is not rich is his well known liberality, and he has helped many a young man out of the hole. For some months in 1882 McCreight was business manager and editor of the *Daily Sun*, published at Socorro, arriving there during the stormy days preceding the lynching of Joe Fowler, a cow-boy who had killed half a dozen. Several of the leaders of the



W. T. McCreight





vigilantes are now living at Socorro. McCreight is probably the oldest American printer from the states, not in age, but in actual service, in the southwest.

*La Bandera Americana*, interpreted the American Banner, a Spanish paper published weekly at Albuquerque, is edited by Nestor Montoya, with Frank A. Hubbell as president and treasurer of the publishing company. The paper was established May 6, 1895, by Manuel Salazar y Otero and on the 3rd of August, 1901, was purchased by its present owners, Messrs. Hubbell and Montoya. In 1891 Manuel Salazar y Otero had established at Los Lunas a weekly called *La Cronica*, which he conducted until *La Bandera* was founded. The latter is a strong Republican paper and the leading organ of the party among the Spanish papers in New Mexico.

Nestor Montoya, the editor, was born in Albuquerque and was educated at St. Michael's college in Santa Fé. He was recommended by Congressman Elkins, then a delegate to congress, for a cadetship at Annapolis. He was employed in the postoffice of Santa Fé for about seven years under three postmasters and afterward went to old Mexico, spending a year in Chihuahua with an uncle. Subsequently he engaged in merchandising in Valencia county, New Mexico, for two years, when, again taking up his abode in Santa Fé, he founded *La Voz del Pueblo* in 1889 in connection with E. H. Salazar. Two years afterward he sold a half interest to Felix Martinez, but remained as editor for Martinez and Salazar at Las Vegas. Since 1884 he has been continuously official interpreter of the courts in the first judicial, now the fourth judicial district, and in the second district since coming to Albuquerque in 1895. He is filling the position of interpreter at the present time. In 1902 he was elected to the thirty-fifth session of the Territorial legislature from Bernalillo county and was chosen speaker of the house. In 1904 he was elected to the council from Bernalillo county. He is a stanch Republican and one who has wielded a wide influence in public affairs, his opinions often being a decisive factor in matters of public moment. For eight years he was secretary of the Republican county central committee of Bernalillo county and is a prominent member of the Knights of Columbus.

The first newspaper at Cimarron, then the county seat of Colfax county, was printed in 1872 or 1873 by ——— Dawson, the enterprise being owned by the Maxwell Land Grant Company. Coogler succeeded Dawson as editor, and Thomas Henderson and "Colonel" Henry Whigham ran it later. When the county seat of Colfax was removed to Springer the paper ceased publication.

The *Colfax County Stockman* at Springer was founded in April, 1881, by the Northern New Mexico Cattle Company, composed of Senator Dorsey, M. W. Mills, Jacob Taylor, Jack Howell. The company afterward leased it to Captain Henry Sturges, who conducted it for ten years. Since September '16, 1893, the *Stockman* has been owned and edited by Joseph Frank Hutchinson, who bought the plant from the cattle company.

In his reminiscences S. M. Ashenfelter states that in 1871 only one paper was published in all of southern New Mexico—the *Borderer*, at Las Cruces. It was edited by N. V. Bennett, brother of Judge C. Bennett, and the subscription price was six dollars per annum. It was published weekly and devoted much attention to Silver City.

The *Silver City Tribune* was published at Silver City as early as 1873. It was a folio, six by nine inches. In 1882 a daily paper called the *Telegram*, the same size as the *Tribune*, was started. These had a short existence, as did the *Watchdog*, another miniature paper, established in 1882.

The *Eagle* was established at Silver City August 22, 1894, by A. J. Loomis and H. L. Oakes. Early in the following year the former purchased Mr. Oakes' interest, and has owned the paper since. In 1896 Mr. Loomis purchased the plant of the *Southwest Sentinel*, one of the oldest papers in southern New Mexico, and added it to that of the *Eagle*. Having gone into the government service and being unable to give the paper proper attention he suspended its publication at Silver City in March, 1900, and the paper was not issued from that time until March 17th of the present year, when, having removed the plant from Silver City to Santa Fé, he resumed its publication here. Mr. Loomis is the owner and editor.

The *Silver City Enterprise*, which succeeded the *Sentinel*, its editor and owner since July, 1901, having been F. A. Bush, was founded October 25, 1882, by W. A. Leonard & Company, editors and publishers, who were succeeded by Leonard & Hawkins, they by Leonard & Cobb, they by Leonard & Sheridan. In 1890 Joe E. Sheridan bought the paper and published it until 1894, when he sold to L. M. Fishback, who in December, 1899, sold to Charles F. Grayson, who was Mr. Bush's immediate predecessor.

The *Pecos Valley Argus*, which was founded at Carlsbad, Eddy county, in 1889, by the Pecos Irrigation & Investment Company, was first edited by Richard Rule. In 1902 William T. Reed and A. D. Green bought the paper from the company, and in the following year Mr. Reed became sole proprietor. In 1893 the name was changed to the *Carlsbad Argus*. L. O. Fullen has been the editor since 1903. This was the first paper established in Eddy county. William T. Reed, owner of the *Argus*, a native of Columbus, Ky., has been in the newspaper business twenty-seven years in Kansas, at El Paso, Texas, and in New Mexico since 1881. He has been identified with the Pecos valley since 1888 and helped lay out the Carlsbad townsite. He was foreman of the *Argus* some time before he purchased the plant.

The first paper at Deming was the *Headlight*, founded in 1880, and disposed of in succession to Edward Pennington, S. M. Ashenfelter, ———— Walton, George L. Shakespeare, the present proprietor. The *Headlight* issued a daily during the Spanish-American war.

The *Deming Advance*, founded in 1892 by Frank Galloway, existed only a short time.

The *Deming Graphic*, a weekly Republican paper, succeeded the *Herald*, which was founded by P. J. Bennett in 1900. N. S. Rose bought the *Herald* subscription list and started the *Graphic* in March, 1902. October 1, 1904, he sold to the present proprietor, A. L. Sangre. P. J. Bennett published the *Hillsboro Advocate* before coming to Deming.

George L. Shakespeare, editor of the *Headlight* at Deming, came to Grant county in 1876 and has resided in this section since. He is a native of Ohio, but was reared in Illinois and Wisconsin until fourteen years of age. When still a young lad he responded to the country's call for aid in the Civil war, enlisting at Evanston, Illinois, and in 1864 was a member of the Seventeenth Illinois Cavalry. He saw active service in Missouri,

Kansas and on the border, the regiment being largely engaged in suppressing the movements of the Quantrell Bushwhackers in that section of the country. After the war Mr. Shakespeare spent some time in the west and northwest and finally came to Deming in 1876, since which time he has made his home here. For three years he was in the regular army, following the close of hostilities between the north and the south, and he also engaged in freighting and mining upon the western frontier. For some time he drove a stage and was government wagonmaster, and his familiarity with the experiences of the west has brought him broad knowledge of the history of this section of the country. His attention is now given to the publication of the *Headlight*, which is an enterprising journal in touch with modern ideas of newspaper publication. He has been active in support of various movements, plans and measures for the general good and was active and untiring in his advocacy of the division of the county and was active in the fight which Luna county won in 1901 after a contest of sixteen years. His political support is given to the Democracy.

A. L. Sangre, editor of the *Graphic* at Deming, came to New Mexico in 1882 from Chicago. He was a native of Ohio, born September 15, 1840, and became connected with newspaper work as a writer on the *Chicago Journal* in 1858. His war record connects him with the Sixth Missouri Regiment. He was a recruiting officer for Fremont's body-guard and was stationed at Benton barracks. Later he was with Grant at Donelson and Pittsburg Landing and participated in the campaigns in Tennessee and Mississippi. The first year, however, he was engaged in bushwhacker fighting in Missouri.

After the war Mr. Sangre traveled throughout the west for the benefit of his health, and came first to New Mexico in 1882. He afterward went to California in 1885 and devoted his time between that state and New Mexico until 1888. Subsequently he spent most of his time in California until 1897. He has resided continuously, however, in the Territory since 1900 and has been correspondent for many papers in the west. In 1904 he became editor of the *Graphic*, which he now manages and publishes, making it one of the leading papers of this part of the Territory. In addition to his newspaper plant he owns some mining claims. Mr. Sangre voted for Fremont when only sixteen years of age and has since supported each presidential nominee of the Republican party, but is not active in official life.

The *Guadalupe County Democrat*, established in October, 1902, by Manuel Martinez and W. C. Burnett at Santa Rosa, after the election continued under the management of Crescenciano Gallegos and W. C. Burnett until the fall of 1905, when it was purchased by T. D. Morse. January 1, 1903, the plant was moved to Puerto de Luna, then the county seat. The legislature that year changed the county to Leonard Wood and moved the county seat to Santa Rosa. The paper returned to Santa Rosa in 1904 and the name was changed to *Santa Rosa Sun*.

When the railroad came to Santa Rosa E. C. Cooper started the *Santa Rosa Star*, about 1901, but suspended in the spring of 1903 and moved the plant to Tucumcari.

In October, 1905, J. E. Curren started the *Sunnyside Sun* at the new town of Sunnyside on the Santa Fé cut-off.

*La Voz Publica* was established in Puerto de Luna in 1898 by Placido Baca y Baca, and was moved to Santa Rosa in June, 1901. It is issued weekly in English and Spanish.

The *Las Vegas Optic* originated in 1879 with the establishment of the *Optic* at the town of Otero by R. A. Kistler, who six months later moved the plant to Las Vegas. The weekly issue was continued a few months, but November 4, 1879, the first issue of the daily appeared. Mr. Kistler was succeeded in 1898 by the Las Vegas Publishing Company, who turned over the paper's management to L. R. and C. W. Allen. In 1903 the Optic Company was incorporated, with James G. McNary as president. The politics of the paper, previously Democratic, now became Republican. The new company bought the *Las Vegas Record*, merging its interests with the *Optic*, and increased the issue from a four to an eight page paper. Mr. McNary continues as president and manager of the paper, and is besides incumbent of the office of public printer for New Mexico.

*La Voz del Pueblo* was founded at Santa Fé in 1889 by Nestor Montoya, but about a year later, a controlling interest having been purchased by Felix Martinez (now of El Paso), the paper was moved to Las Vegas, where it has continued a weekly issue of four pages, and entirely in Spanish. In 1892 Mr. Martinez bought out all his partners and became sole owner. In 1900 the Martinez Publishing Company was incorporated, the stock being owned by Antonio Lucero, E. C. de Baca and Mr. Martinez. The present officers are: Editor, Felix Martinez; associate editor, E. C. de Baca; business manager, Antonio Lucero. The paper has always been Democratic in politics.

E. C. de Baca, associate editor, who was born in Las Vegas November 1, 1864, is a lineal descendent of the family who were the original grantees of what is known as the Las Vegas grant. Educated in public schools, with four terms at the Jesuit College, he taught school three years in La Cuesta and other places, and in 1891 became associate editor to Felix Martinez on *La Voz del Pueblo*. He has not held this position continuously, since he was chief deputy of Mr. Martinez during the latter's four years' term as clerk of the United States district court, and he was also absent from the editorial chair during the years 1903 and 1904.

*El Independiente*, at Las Vegas, was established March 24, 1894, by Enrique H. Salazar, and has been published always as a Spanish paper entirely. For two months in 1903 a daily issue under the title of *Advertiser* appeared. It is a Republican paper. Secundino Romero is president and Mr. Salazar is general manager and editor.

The first paper at Lordsburg was the *Advance*, which, to use the popular mode of expressing the fact, "went busted." The *Western Liberal* was founded November 14, 1887, by S. D. Dye and Don H. Kedzie, the former being succeeded by W. H. Small, and a year later Mr. Kedzie became sole proprietor, and has conducted the paper to the present writing. During his proprietorship every other paper in the Territory has changed control at least once.

The *Rio Grande Republican* at Las Cruces was established in April, 1881, by C. J. Hildreth, who conducted it two years. Since then the changes have been frequent, some of the publishers being Hall F. Wagner, J. S. McCrear, J. A. and R. A. Whitmore, F. C. Barker, Mr. Hunt, Allen

J. Papen, G. W. Baird. It has always been maintained as a stock company, and those mentioned have been managers.

The *Las Cruces Citizen*, a Spanish and English paper, was established June 30, 1902, by its present editor and proprietor, Lawrence Lapoint.

The first paper published in Lincoln county was the *Golden Era*, at White Oaks, the first number of which appeared December 18, 1880. Jacob A. Wise, now of Juneau, Alaska, was the publisher. The plant was moved to Lincoln in 1885 and published intermittently under various names and managements until 1902, when J. H. Lightfoot moved the paper to Nogal, where it was issued as the *Nogal Republican* from May, 1902, until the election was over in the fall.

The second newspaper of the county was the *Leader*, established October 1, 1882, at White Oaks by L. H. Rudisille, and was conducted about twelve years. September 8, 1904, the *Outlook* was founded at White Oaks by Mr. Rudisille, and is still issued weekly, Republican in politics.

Mr. Rudisille, for so many years editor and publisher at White Oaks, came to the site of that town in 1880, being attracted from Santa Fé by the gold excitement. He has been interested in mining in this vicinity ever since. He is county superintendent of schools, having been elected in 1901. Born in southern Ohio and reared at Toledo, he served four years in the Civil war as a member of Company H, Thirtieth Ohio Infantry.

S. M. Wharton, another newspaper man of Lincoln county, came to the Territory in 1892 and became associate editor of the *White Oaks Eagle* in July, 1895, and in 1896 assumed entire control as owner and publisher. At the same time he bought the *Lincoln County Leader* and all the newspaper interests in the county and consolidated them as the *Capitan News*, managed by the Eagle Printing Company, which also owned the *Alamogordo Journal*. S. R. May was president of the company and Mr. Wharton secretary. After disposing of the subscription list of the *Alamogordo Journal* to W. S. Sheppard and the *Capitan News* to John Haley in April, 1905, he took up his residence in Tucumcari.

The first paper in Capitan was the *El Capitan*, founded in 1900 by W. M. Clute. During the same year the *Capitan Miner* was begun by J. H. Lightfoot. The two papers were merged in January, 1901, as the *Capitan Progress*, under the control of Mr. Lightfoot and C. G. Nuckols. The entire management soon after falling to Mr. Nuckols, he continued the publication until the grand merger of Lincoln county newspaper interests took place in January, 1903, under the Eagle Printing Company, as above mentioned. The chief incorporators were: S. R. May, S. M. Wharton and J. E. Wharton. J. A. Haley was admitted to the company in July, 1903, and two years later he purchased the entire property and has conducted it individually.

A Spanish paper, entitled *El Farol*, is also conducted by J. A. Haley, C. Hightower and G. A. Chamberlain, at Capitan.

J. A. Haley, publisher of the *Capitan News* and also of a Spanish paper called *El Farol*, has been a resident of Capitan since 1903. He was reared in his native state, Texas, and in 1893 came to the Territory, settling first at White Oaks, where he was an employe of the *White Oaks Eagle*. Later he managed and edited the *Lincoln News*, with which he

was connected in 1896, 1897 and 1898. He then returned to the *Eagle* and after a short period spent in Alamogordo he removed to Capitan, where he has since lived. In 1903 he became the publisher of the *Capitan News* and in connection with this paper publishes the *El Farol*. Having devoted his entire life to newspaper work in one department or another, he is thoroughly familiar with the mechanical processes and at the same time is an able writer of editorials, giving to the public a well conducted news sheet. In politics he is active in the ranks of the Democracy, supports the party through the columns of his paper and is now treasurer and secretary of the county central committee of Lincoln county.

H. B. Ryther is a well known representative of journalistic interests in New Mexico. He came to Portales in 1903 and established the *Portales Times* on the 17th of February, 1903. This is the official paper of Roosevelt county and has a weekly edition published on Saturdays. It is independent in politics and is devoted to the dissemination of local and general news and to the furtherance and exploitation of the interests and resources of this section of the Territory. He is a native of Michigan and he brought to his new home the enterprising spirit which has been the dominant factor in the rapid and substantial upbuilding of the middle west. Here he took up a ranch, which he is now operating in connection with his journalistic ventures. His political views are in accord with Republican principles and he is a stalwart advocate of the party and its policy.

The *Socorro Daily Sun*, started about 1880, continued to 1885. The *Evening Advertiser*, also a daily, ran about three months in 1885. The *Miner* had a brief career, being discontinued in the spring of 1883. The *Bullion*, which started as a pamphlet, became a regular weekly paper late in 1884, its editor and founder being Charles Longuemare. It discontinued in 1887. The *Advertiser*, started by John McCutcheon in 1887, lasted till 1891.

The *Socorro Chieftain*, which began as a daily in 1883, under the management of A. A. Helphenstein, who soon associated Judge De Baum in the enterprise, was conducted by Helphenstein's brother in 1887-88, then for three years by Williams and Leicham, then by Williams alone two or three years, and under the editorship of Clem Hightower and Anton Mayor, each eight months. The Socorro County Publishing Company was organized March 3, 1900, and the paper has since been edited by Profesor Emmet Addio Drake, with Anton Mayer as business manager.

The *Tucumcari News* was established by S. R. May in October, 1905. In the following February the Tumcumcari Printing Company was incorporated, with S. R. May president, S. M. Wharton secretary and A. D. Pankey treasurer, Mr. Wharton being editor.

Henry Hammond Howard, deceased, a journalist and political leader who left the impress of his individuality upon public life in New Mexico, was a resident of San Marcial, Socorro county. His birth occurred near Montreal, Canada, October 22, 1863. He learned the printing trade in early youth and was engaged in newspaper work in Canada and in the eastern part of the United States. A. T. Hunt, his brother-in-law, established the *San Marcial Bee* in 1891, conducting it until 1892 or 1893, when Mr. Howard came to New Mexico and purchased the paper. In October, 1904, however, the office was washed away in a flood and he never re-



H H Howard





sumed the publication of the journal. It was about that time that he was taken ill, and his death occurred October 15, 1905. As a journalist and private citizen he exerted a strong influence in political circles, and as the champion of Republican principles advocated his cause through strong argument and well written editorials. He was elected to the last two sessions of the Territorial legislature and his labors were a valued factor in many constructive measures.

Fraternally Mr. Howard was connected with the Odd Fellows, the Ancient Order of United Workmen and the Woodmen of the World. On the 28th of February, 1897, he was married to Dora Winifred Hunt, a daughter of Rev. A. M. Hunt, now of Omaha, Nebraska. For the past eight years Mrs. Howard has been serving as postmistress of San Marcial.

The *Roswell Register*, established in 1888 and now owned by C. E. Mason, established a daily edition March 2, 1903, under the management of R. S. Hamilton, but it lasted only a few days.

The *Roswell Record* was established March 6, 1891, by J. D. Lea, and ran as a daily until March 2, 1903, when the daily appeared under the direction of C. E. Mason and H. F. M. Bear. Mr. Mason is now business manager and George A. Puckett is editor. The weekly edition is also maintained.

The *Roswell Tribune*, a weekly, was consolidated with the *Register* in February, 1906.

The *Otero County Advertiser*, weekly, published at Alamogordo, was established in December, 1899, by ——— Benson, from whom it passed to S. S. Waller, and a year later to Morgan brothers (H. A. and C. W.), its present proprietors. It is Democratic in politics.

Wilmer S. Shepherd, editor of the *Alamogordo News*, published at Alamogordo, Otero county, and one of the most widely known men in southeastern New Mexico, was born in Washington, D. C., where he was reared and educated. As a young man he was active in local affairs in his native city. His brother, ex-Governor Alexander R. Shepherd, was for many years one of the best known figures in political circles in the United States, wielding a wide influence in councils relating to national progress and national policy.

In 1872 Wilmer S. Shepherd went to Chicago, Illinois, where he remained for four years, after which he proceeded southward to Batopilas in the state of Chihuahua, Mexico, where he was interested in mining with his brother, remaining in that country for six years. In 1885 he came to New Mexico and engaged in operating in real estate and in conducting a live-stock business in Tularosa and vicinity. Upon the organization of Otero county he became first probate clerk, and when Alamogordo was laid out by the railroad company he and others started the *Alamogordo News*, which he still controls. He has taken a deep and active interest in public matters and through the columns of his paper and as a private citizen as well has contributed in large and substantial measure to the welfare and improvement of this section of the Territory, recognizing the possibilities of the new city and county and advocating its upbuilding along safe and substantial lines.

The first paper published in Sierra county (then part of Socorro county) was started during the early fall of 1882 at Robinson, a little settlement about three miles from Chloride. The *Black Range*, as the

paper was called, from the neighboring mountains, was moved, after the ephemeral existence of Robinson, to Chloride by its manager, Vincent B. Beckett. W. O. Thompson purchased the plant in the summer of 1885 and continued the publication of the paper until August, 1897, when the mines closed down and the paper discontinued. Mr. Thompson purchased the *Sierra County Advocate* in 1900.

W. O. Thompson, editor of the *Sierra County Advocate*, published at Hillsboro, was born in Canada October 18, 1858, and was reared near Richford, Vermont. In 1878 he made his way to northwestern Canada and visited various other parts of the west. In July, 1881, he arrived in Chloride, New Mexico, where he engaged in prospecting and in conducting a paper, the former, however, being regarded as his more important business interest. In 1885 he purchased the *Black Range*, a weekly newspaper, which he conducted at Chloride until the mines were closed down in 1897. In 1900 he purchased the *Sierra County Advocate* from P. J. Bennett and has since been editor and proprietor, making this one of the leading newspapers of the Territory, having a large circulation list and good advertising patronage. Mr. Thompson is a member of Hillsboro Lodge, No. 12, A. O. U. W. He was married at Chloride in 1885 to Miss Frances J. Harbison.

The first newspaper in Raton was a short-lived sheet, vigorously opposed to the Maxwell land grant.

The *Comet* was established at Raton by Adams Brothers, who sold it to George W. Geer, a banker, and from the latter it passed into the hands of June Hunt, who changed the name to the *Range*. The *Range* has been under the control successively of Mr. Hunt, Captain T. B. Collier, F. B. Morse, C. E. Stivers, and the present proprietor, Orrin A. Foster, who on June 19, 1905, converted it into a semi-weekly. Part of the plant was formerly owned by the Maxwell Land Company in conducting a paper at Cimarron.

The *Raton Reporter*, weekly, was established April 15, 1889, by George B. Beringer, who is still editor and proprietor. It is a Democratic paper, and for six months in 1898 was published as a daily and for four years, 1892-96, was issued every other day.

P. A. Speckmann, editor of the *Estancia News*, came to Estancia, New Mexico, from Colorado in October, 1903, and in October, 1904, established the paper which he is now publishing. It is published in both English and Spanish, and is issued every Friday. It is all home print, and is devoted to the welfare of Tarrant county and to the dissemination of local and general news. It is the official paper of Tarrant county, and is Republican in politics. Mr. Speckmann is manager, editor and proprietor, being ably assisted in his work by his wife, and has made this one of the leading country journals of the Territory. He is a native of Illinois, born of German parentage. He received his schooling at Ann Arbor, Michigan, and came west in 1898, not like so many have been compelled to do, on account of loss of health, but merely following Greeley's advice.

## LEADING CHURCH ORGANIZATIONS.

## CATHOLIC.

With almost every event of New Mexican history, up to the beginning of the nineteenth century, is connected in some manner or other the activity or influence of the organized Christianity known as the Catholic church. During this period no distinction is possible between purely political and religious history, for it is not an inexact manner of statement to assert that the actual government of the country was hierarchical in practice, no less than in theory. The church was pre-eminent in influence and power among the native and mixed races of New Mexico. Where great power is wielded there are the greater opportunities for evil. The civilization of an entire people was left to an ecclesiastical system, which, without the checks and restraints that come from responsibility to the governed, easily became corrupt and a burden rather than an uplift to the people. But when this is said it is time to look on the other side. The civilization of New Mexico, found at the time of the American occupation, was due above all to the work of a zealous church. The Catholic missionaries who had lived and worked among the native people from the days of Coronado were, in the main, possessed of that same religious ardor for the conversion of souls and the establishment of the Holy Roman faith over the world as has marked the representatives of that faith in every period of modern history. Their courage and sincere devotion are unquestioned facts, and must be held to more than offset the bestiality, the ignorance and greed that too often marked the individual members of the priesthood in New Mexico and elsewhere.

The relations of the church and political and economic affairs being so closely interwoven, it is unnecessary in this chapter to speak of the church except in its career during the last century. The relations existing between the Mexican church and the Pope were interrupted by the revolution of 1821. The kings of Spain had always been faithful defenders of the Church of Rome, maintaining its power with care in Mexico. The Pope consequently looked upon the revolution as calculated to introduce not only political but ecclesiastical liberty throughout the American colonies of Spain. Hence the famous papal encyclical letter of September 24, 1824, directed to the heads of the American church, in which he authorized the doctrines and principles underlying the revolutionary movement. At the time the encyclical was written the Pope had not yet seen the first constitution, one article of which permanently confirmed the Roman faith as the established religion, to the exclusion of all others; and when he did learn of this provision he evidently was reassured, for he received the rebellious nation into the flock on the terms that existed during the Spanish dominion.

On May 12, 1826, a college was opened in Santa Fé, under the protection and direction of the vicar general for the institution of young men. In the same year the missions of Taos, San Juan, Abiquiu, Belen and San Miguel del Bado were made parishes and provided with secular priests. Peace having been fully restored the work of the church now proceeded with little interruption.

But the work of the church was very deficient during the period between the revolution and the American occupation. In 1850 it was found that many of the twenty-five churches and forty chapels were in a ruinous condition; that the priests, all Mexicans, were few in number and ill-equipped for their duties; that in those thirty years the church had experienced great losses, had neglected its educational work among the people, and that its progress had been retarded by political turmoils along with the material and intellectual advancement of the people.

New Mexico had always been regarded as an outlying province and was correspondingly neglected by the church authorities at more populous centers. Not until 1832 was there a vicar's residence within the Territory, when Juan Felipe Ortiz was appointed vicar for the bishop of Durango, with residence at Santa Fé.

By decree of July 19, 1850, Pope Pius IX made New Mexico a vicariate apostolic, and four days later appointed for it, with the title of Bishop of Agathonica, Rev. John B. Lamy, from the diocese of Cincinnati. He was consecrated in Cincinnati November 24, 1850, and took up his work in New Mexico in the summer of 1851. Bishop Lamy was born October 11, 1814, at Lempdes, Department of Puy-de-Dome, France. He took a classical course in the preparatory seminary at Clermont and his theological course in the grand seminary at Mont Ferrand, where he was raised to the priesthood in December, 1838. In 1839 he received permission to answer the call of Bishop Purcell, of Cincinnati, to engage in missionary work in the latter's diocese, and for several years labored with great zeal in Ohio and Kentucky until, to his great surprise, he was notified of his appointment to the newly created Vicariate of New Mexico, which then included all the territory ceded to the United States, by the Treaty of Guadalupe Hidalgo, with the exception of the towns of Doña Ana and Las Cruces. These towns were added to the jurisdiction in 1859.

The young bishop traveled by way of St. Louis and New Orleans, thence by boat to Galveston, thence through Texas by wagon. Upon his arrival in Santa Fé he found that the priests there had no notification of his election and refused to recognize him, whereupon he soon departed for Durango, and there received from the Bishop of Durango the papers necessary to show that jurisdiction over the newly created vicariate was no longer claimed by him. Bishop Lamy made this entire journey on horseback. Upon his return he set himself to the task of organizing missions. By decree of Pope Pius IX, of July 29, 1853, the vicariate was raised to the rank of an episcopal see. By decree of February 12, 1875, it was made a metropolitan see and Bishop Lamy made its archbishop, with the vicars apostolic of Colorado and Arizona as suffragans. The new archbishop was invested with the pallium June 16, 1875, in St. Michael's College. This was one of the most impressive events in the history of the Catholic church in New Mexico. After the ceremony the

people, headed by the college band, accompanied their archbishop to his residence. A banquet was served in his garden, by the inhabitants of the city, to the clergy and a large number of guests.

February 19, 1885, Right Rev. J. B. Salpointe came to Santa Fé as coadjutor bishop. He was promoted to the archiepiscopal see of Anzarba October 11, the same year, and succeeded to the see of Santa Fé July 18, 1885, by the resignation of his predecessor. After his resignation Archbishop Lamy retired to a small country place near the Tesuque river, which he had purchased in 1853, and named "Villa Pintesca." Here, early in January, 1888, he contracted a cold and, at his expressed wish, was taken to Santa Fé, where his death occurred February 14, following. Two days later his body was deposited in a vault which is now covered by the main altar of the cathedral.

The life of Archbishop Lamy in New Mexico was one of great sacrifice and full of trials and tribulations. In order to build up the missions of the Territory he visited Europe for the purpose of securing more priests and teachers, in which he was successful in finding men and women well adapted to the needs of the country. When he came there were but few fruit trees to be found, and in order to develop fruit culture in his diocese he brought from St. Louis in his own conveyance, a number of different kinds of trees, which he planted in his garden. Many of these were the first of their kind in New Mexico. It was he who founded the most of the schools and nurtured them through their most trying days. One of the most disagreeable tasks he was called upon to perform was to preside at the trial of Father Martinez, of Taos, and a number of other priests, who had been accused of gross immorality and who defiantly continued to lead lives not in conformity with the rules of the priesthood, which demands that its members be celibates. The result of this trial was the excommunication of Father Martinez and the other priests found guilty of violation of this canon of the church.

"Bishop Lamy was pious, humble and charitable," wrote Archbishop Salpointe in his "Soldiers of the Cross." "Anybody, poor or rich, found him always accessible and ready as far as was in his power to help the needy. For long years he looked for the means of having a good cathedral built in the city by his episcopal see, and before dying he brought to a conclusion the main body of the intended structure."

Archbishop Salpointe's work in New Mexico was most invaluable. He established a number of Catholic schools in various parts of the Territory, including a number for the education of the pueblo Indians. On August 21, 1891, at his request, the Rev. P. L. Chapelle, priest in charge of St. Matthew's church in Washington, D. C., was appointed his coadjutor, with the title of Bishop of Arabissus. November 1st of that year he was consecrated, in Baltimore, by Cardinal Gibbons. December 7th following he arrived in Santa Fé and began his work. During a visit to Rome in 1893 the Pope conferred upon him the title of the archiepiscopal see of Sebaste. Upon the resignation of Archbishop Salpointe, he became Archbishop of Santa Fé January 7, 1894, and was invested with the pallium October 17, 1895. The occasion was the most remarkable in the history of the Catholic church in New Mexico. Cardinal Gibbons presided, and the prelates present were: Archbishop Kain of St. Louis, Bishop Donahue of Wheeling, Bishop Hennessy of Wichita, Bishop Montgomery of Los

Angeles, Bishop Dunn of Dallas, Bishop Gabriels of Ogdensburg, Bishop Beaver of Springfield, Bishop Bourgade of Tucson, Monsignor Stephan of Washington, besides the retiring archbishop and his successor. On the day following the reception of the pallium Archbishop Chappelle consecrated the Cathedral of Santa Fé.

February 28, 1896, was marked by the visit to Santa Fé of Cardinal Satolli, delegate apostolic to the United States. On the next day, Sunday, he celebrated a pontifical mass.

After a service of less than two years in Santa Fé, Archbishop Chappelle was appointed to the see of New Orleans, where he died of yellow fever in 1905 while ministering to those who had been stricken with that disease. He was succeeded by Archbishop Peter Bourgade, then Bishop of Tucson, who was installed April 6, 1899. Archbishop Bourgade, who still occupies that office, came from France to New Mexico with Bishop Lamy in 1869, and since that year has been constantly engaged in religious work in the southwest. His chief assistant, Very Rev. Anthony Fourchegn, vicar-general of the diocese, was appointed rector of the Santa Fé cathedral August 14, 1892, and has been vicar-general since April 24, 1894. He was born in France and came to New Mexico in 1867, since which time he has labored in this territory.

Very Rev. James H. Defouri was recognized as one of the best authorities on the ecclesiastical history of New Mexico. He was born in France in 1830, and completed his philosophical and theological courses in the seminary at Chambéry, and in 1854 was ordained priest. Two years later he came to America and labored in the jurisdiction of Bishop Milge. From 1862 to 1880 he was located in Topeka, the last five years serving as vicar-general. In 1881 he came to New Mexico on account of ill health, having been appointed second vicar-general, pastor of the American congregation of Santa Fé and private secretary of the archbishop. From there he went to Las Vegas as pastor of the Church of Our Lady of Sorrows in 1895. He was a member of several scientific societies and a frequent contributor to newspapers and magazines. He also published "A Historical Sketch of the Catholic Church in New Mexico," "The Martyrs of New Mexico," and other works.

The Church of Our Lady of Light at Santa Fé, sometimes known as the Castrence, was erected for the special use of the soldiers in the Spanish army late in the eighteenth century. From the date on the altar piece, which has been preserved, it is believed to have been built in 1791. This church was of the exact size of the Guadalupe church of today. The troops were all in the habit of attending services once a month, and on special occasions. These special occasions were frequent—whenever the soldiers went out after the savage Indians and returned victorious to the capital, bringing captives to be made Christians, a special high mass being celebrated in the Castrence and a Te Deum sung in celebration of the victory. The altar of the church contained many valuable paintings, and in the center there was a carved stone, which at that time was considered the most valuable of its kind in the Territory. Don Simon Delgado gave the property afterward occupied by San Miguel College in exchange to Bishop Lamy for the Castrence. He at once tore down the church and built his home upon the historic site. Governor Armijo made it a custom

to attend services at the Castrence once each month, accompanied by his staff in full uniform and all his troops.

The Immaculate Conception church at Albuquerque was founded in 1882, Rev. Lawrence Fede being the first priest in charge. Rev. Father A. M. Mandalari, S. J., the present pastor, a native of Italy, has been in charge since 1894. He is regarded as one of the most able pastors and organizers in the Territory. The Immaculate Conception school, connected with the church, was built by the Jesuit Fathers in 1893 at a cost of sixteen thousand dollars. Albuquerque Council No. 641, Knights of Columbus, was instituted February 2, 1902. O. N. Marron is Territorial deputy.

Father H. C. Ponget, pastor of the Church of the Immaculate Conception (R. C.), Las Vegas, New Mexico, was born and received his early education in France. He pursued a course in philosophy in Montreal, Canada, from which place he came, in 1888, to New Mexico. He continued his studies in Baltimore Seminary in September, 1889, and was appointed teacher in the classical department of St. Charles College, Baltimore, the following year. November 4, 1891, he was ordained a sub-deacon by Bishop Chapelle, then just appointed coadjutor bishop of Santa Fé, and consecrated three days before; May 1, 1892, was ordained priest by Bishop Chappelle; and June 28, of the same year, came to Las Vegas. On the 10th of July he was made assistant priest at the cathedral of Santa Fé, in which capacity he served until August, 1893, when he was appointed chancellor. In May, 1894, he was sent as pastor to San Marcial, but was recalled to Santa Fé as chancellor the following year. In November, 1896, he was made pastor of the church at Taos, and continued as such until September, 1898, since which time he has occupied his present position, that of pastor of the Church of the Immaculate Conception in Las Vegas. March 25, 1905, he was appointed chaplain of the First Squadron of Cavalry, New Mexican National Guards.

Father Ponget's work, wherever he has been, has always been characterized by an ardent devotion to the cause of the Master, and in the various places where he has labored he has won his way to the hearts of the people, all of whom hold him in highest esteem.

Our Lady of Belen.—The earliest records of Our Lady of Belen, at Belen, New Mexico, are found in the baptismal record commencing with the year 1793, with the Franciscan father, Cayetano Jose Bernal, superior (menestro) in charge. There are no records in the parish showing when the old church was built. It was abandoned in 1856, owing to a division that came up between the people as to whether to rebuild the old church or to build a new one. The priest at that time was Fr. Antonio Juillard. The Castillo and Baca families favored removing and were opposed to Francisco Sanchez, who never repented, also Juan Domingo Valencia and Miguel Baca. Those opposed were excommunicated on account of having forcibly removed the sacred vessels from the new church back to the old church. About that time Fr. Juillard was removed and Fr. Paulet appointed, and by his tact and good management he united the two factions. The present church edifice was begun in 1856 and completed in 1861.

Fr. J. A. Picard, now in charge, studied in France, and took orders in Santa Fé in December, 1885. His first position was as assistant priest

at Mora, and later priest at Sapello. Then from 1897 until 1901 he was parish priest at Mora, when he came to Belen, where he is yet located. Since taking charge he has made many splendid improvements in the church.

#### PROTESTANT CHURCHES.

There seems to be no doubt that the first permanent religious organization, aside from the established Roman Catholic church, in New Mexico was effected by the missionaries of the Protestant Episcopal church.

So far as can be learned at this late date, the first Protestant services of any kind held in the old town of Albuquerque were conducted in the fifties, by a missionary named Reed, who had been sent out by the missionary board of the Methodist Episcopal church. How long he remained is not known, but he was not able to organize a permanent society of that denomination. In 1870 the Rev. John Cornell, a native of New York, and a graduate of the General Theological Seminary, who had been located as a missionary at Laramie, Wyoming, was sent to Old Albuquerque by Bishop Randall. He received much encouragement and assistance from Judge Hezekiah S. Johnson, who had just been appointed a justice of the district court, with headquarters at Albuquerque. About this time the citizens of Socorro were up in arms against their mother church—the Roman Catholic, as the result of the injection of politics into the church, and Judge Johnson, who had married a native woman and felt that he had great influence among the native people of Socorro county, suggested to Mr. Cornell that it might be a propitious time to undertake the organization of an Episcopal mission in that town. The attempt was made at once, but as soon as it was found that outside religious influences were at work, with fair promise of a successful issue the Catholic authorities made desperate efforts to effect the necessary reconciliation, and the efforts of Mr. Cornell and Judge Johnson were unavailing. Mr. Cornell abandoned his missionary labors at the close of a year, after having conducted services in many places throughout the Rio Grande valley. Judge Johnson frequently accompanied him, acting as interpreter of his discourses, which were delivered in English, though Mr. Cornell usually read the services in Spanish.

The first official visitation of any Protestant Episcopal minister to Santa Fe (of which there is any official record) was that of Right Rev. Joseph Cruikshank Talbot, then missionary bishop of the Northwest, when he acted as chaplain to a civil and military Fourth of July procession. July 5, 1863, the next day (Sunday) he preached in the Presbyterian church of Santa Fe, after morning prayer by Rev. William A. Rich and Rev. A. H. De Mora. After evening prayer Rev. William A. Rich preached. Bishop Talbot administered Holy Communion, according to the reformed ritual, for the first time in New Mexico, to five persons, besides the clergy. The services of the church were conducted by Rev. John Woart, chaplain at Fort Union, and Rev. L. A. Latourrette of Fort Garland at intervals during the years 1867-9. In February, 1867, the Territory was placed under charge of Bishop Randall by the house of Bishops. He made his first visit to Santa Fé in July, 1868. In September, 1870, lay reading was commenced in the parlor of Colonel F. Bridg-



man's house and Good Templar's Hall. August 18, 1871, Rev. John Cornell arrived there, being appointed by Bishop Randall as the first resident minister, and was elected Rector August 23, 1871. A vestry had been organized September 14, 1868, under the name of the Church of the Good Shepherd, afterwards changed to St. Thoms' Church and afterwards to Church of the Holy Faith. Rev. John Cornell commenced services in Good Templars' Hall, facing on the plaza, then in a government building on Lincoln avenue. Mr. Cornell was the pioneer in the Episcopal church in Albuquerque. He is now (1906) canon missionary of the Cathedral of St. John the Divine of New York City.

The missionary jurisdiction of New Mexico and Arizona was created at the General Convention of 1874, the Bishop of Colorado being relieved from the oversight of New Mexico, and Arizona being separated from Nevada. Rev. William F. Adams, rector of St. Paul's church, New Orleans, La., was elected first Bishop of the new jurisdiction. He was consecrated in his parish church January 17, 1875, by the Bishop of Mississippi, Right Rev. William M. Green, assisted by Bishop Wilmer of Louisiana and Bishop Beckwith of Georgia. February 6, 1875, Bishop Adams, accompanied by Rev. Henry Forrester, reached Santa Fé. March 1st the Bishop started on a visitation of Southern New Mexico and Arizona. He was accompanied as far as Albuquerque by Mr. Forrester, and there, on March 4th, Judge Hezekiah S. Johnson was ordained to the restricted diaconate. Very few Americans then lived in Albuquerque, and Judge Johnson himself had a Mexican wife. The first service was held in a room in the Exchange hotel, the congregation consisting of but nine persons.

Bishop Adams continued his journey by stage to southern New Mexico, stopping at Fort Selden, Las Cruces, Mesilla and Silver City. From the latter point he started by buckboard for Tucson, Arizona, but being taken ill on the road he was compelled to return to Silver City, and thence to Mesilla. There he was called to New Orleans, where his family was sick; and on account of his own serious condition his physicians forbade him to return to New Mexico until he became entirely well. Under these circumstances Mr. Forrester, who was temporarily in charge of the parish at Santa Fé, took up the general missionary work, acting as the bishop's representative. In the fall of 1875 he visited Las Vegas, Cimarron, Socorro, the Magdalena mines, Las Cruces, Mesilla, Silver City, Georgetown, the Mimbres reduction works, and Forts Craig, Selden and Bayard. At Mesilla, then the principal town in southern New Mexico, a large house was obtained for the church. It was paid for by Rev. Dr. James Saul of Philadelphia. In the summer of 1876 Bishop Adams, finally finding himself incapacitated for the arduous work in New Mexico and Arizona, resigned, though the House of Bishops deferred action upon his resignation for a year, when it was accepted. In the spring of 1877 the new chapel of Mesilla was furnished, and placed under the care of George D. Bowman, lay-reader. Church schools were established at Santa Fe and Mesilla, but both were soon abandoned that the Episcopalians might combine with the Congregationalists, who had founded a system of academies in the Territory.

When Bishop Adams' resignation was accepted in 1877, Rev. D. T. Knickerbacker was elected to succeed him, but as he declined to be con-

separated the Episcopate was left vacant. In 1878 the jurisdiction was placed under the care of Bishop Spalding of Colorado. Rev. J. A. M. Latourrette, a chaplain in the United States army stationed at Fort Union, was now transferred to the jurisdiction, and Bishop Spalding appointed the following to be the first standing committee: Mr. Latourrette, president; Rev. Henry Forrester, secretary; Colonel J. P. Willard, U. S. A., and George D. Bowman. In 1879, as the Santa Fe railroad approached the Territory, services were begun at Las Vegas, and Bishop Spalding made his first visit there in August of that year. November 9th following he opened St. John's chapel there. Immediately afterwards Mr. Forrester moved from Santa Fe to Las Vegas. A month later Rev. D. A. Sanford was sent to assist in the work, and regular services were held thereafter in Albuquerque.

In May, 1880, the primary convocation of the jurisdiction was held at Albuquerque under the presidency of Bishop Spalding. The members were Bishop Spalding, the Revs. J. A. M. Latourrette, Henry Forrester and D. A. Sanford, and L. Bradford Prince of Santa Fe, W. H. Cobb of Mesilla, Charles Wheelock of Las Vegas, and W. C. Hazledine, W. K. P. Wilson and R. C. Rose of Albuquerque.

At the General Convention of 1880, Rev. George Kelly Dunlop, then rector of Grace church at Kirkwood, Missouri, was elected to the vacant episcopate. Despite the fact that he was thoroughly aware of the discouraging conditions which had confronted his predecessor in the two Territories, and realizing that missionary labor was accompanied by hardships of such a character as to have driven the first bishop from the field in despair, and prompted another to decline the vacant episcopate, Bishop Dunlop bravely accepted the great responsibility which the church offered to place upon his shoulders, and on November 21, following his election, he was consecrated to his high office in Christ church, St. Louis, by the bishop of Minnesota, assisted by the bishops of Missouri, Iowa, Quincy and Springfield, Illinois.

The work accomplished by Bishop Dunlop, who, amid difficulties and discouragements from which others had shrunk in dismay, planted the seed and nourished the early-day growth of the present establishment, was so important and had such a beneficent effect upon the development of spiritual life in the southwest generally that some account of his personality and labors forms an invaluable chapter in the annals of New Mexico.

George Kelly Dunlop was born in County Tyrone, Ireland, November 10, 1830. His parents were Robert and Margaret (Kelly) Dunlop, both of whom were of Scotch descent. He received his education at the Royal College of Dungannon and at the Queen's University, Galway, from which he was graduated in 1852, ranking second among eight men who won classical scholarships. In October following his graduation he came to America, and was ordained deacon and priest by Bishop Hawks of Missouri, in 1854 and 1856, respectively. For seven years he served as rector of the church at Lexington, Missouri, where he also filled the chair of Latin and Greek in the Masonic College. He was then called to Grace church, Kirkwood, Missouri, where he remained for seventeen years, or until his election to the episcopate. Bishop Dunlop early abandoned the use of written sermons, speaking fluently without notes, and soon acquired an extended reputation as an eloquent preacher and expositor. He was a



*Geo. K. Arnold*



member of the standing committee, was examining chaplain, dean of the convocation of St. Louis, and deputy to the General Conventions of 1871, 1877 and 1880. The mutual love of rector and people found expression in a memorial altar in Grace church at Kirkwood, and in a "bishop's chair" and "robing room" in St. Paul's church, Las Vegas, now his memorial and tomb; also in this church is a magnificent altar in white Italian marble with panels of pink roselle and columns of Mexican onyx, highly polished, the gift of the Women's Auxiliary of the Diocese of Missouri, and also several handsome memorials from the congregation of St. Paul's, and similar memorials are to be seen in other churches in New Mexico and Arizona.

As has been stated, a bishop had been consecrated for New Mexico and Arizona, and after having looked over the field, had resigned; and another bishop had refused to be consecrated after his election. Rev. Henry Forrester, who accompanied the first bishop, remained for six lonely years before Bishop Dunlop arrived to spend December, 1880, in a preliminary visitation. Unavoidably delayed, it was not until March 31, 1881, that Bishop Dunlop occupied his jurisdiction and brought his family to Santa Fé. He died March 12, 1888, after an illness of nearly five months, so that his active episcopate covered a period of a little less than seven years. Though he found the field one of great discouragement, he uttered no complaint, but worked on, full of cheer and hope and courage. He visited, more or less often, Fort Union, Hillsboro, Kingston, San Marcial, Fort Bayard, Georgetown, Huachuca, Bisbee, Wilcox, Fort Wingate, Springer, Camp Grant, Camp Thomas, Nogales, Flagstaff, Holbrook, Prescott, Raton, Shakespeare, Lordsburg and Cerrillos, in addition to his organized missions, conducting services and administering sacraments to the people, sometimes remaining several days at various points. In his labors nothing appeared to daunt him. During all seasons of the year, in sunshine and storm, in heat and cold, he traveled about the country doing the work of the Master. Funds were scarce, church people few, and frequently he traveled with no better conveyance than a buckboard, in which he made cold night rides, sometimes facing fully realized dangers from hostile Indians, which then infested the country. As an instance: On one of his visits to Nogales, on the Mexican frontier, he found great excitement in the place on account of the bloody work of the Apaches, who had just killed seven or eight men only two or three miles away, the bodies of three of whom had been brought into town for burial. For more than two years there was great financial depression and the Indian war raged continuously for over a year. The spirit of a weaker or less unselfish man would have yielded to discouragement in the presence of such difficulties. To give a better idea of the conditions which Bishop Dunlop found confronting him upon his arrival in the jurisdiction, it should be mentioned that only the following properties had been acquired by the church: In Las Vegas there was a small adobe chapel, on one of five lots; in Mesilla, one lot and the adobe mission house occupied by the devout layman, Mr. George D. Bowman and family, who held regular services and conducted a Sunday school therein. These properties were the result of the patient labor of Rev. Henry Forrester. In Santa Fé there was one lot. Services were held, conducted by Hon. L. B. Prince. In Arizona, absolutely nothing in things material.

The material additions made to this modest nucleus by the bishop, faithful clergy, laity and devout women during his incumbency comprise:

a beautiful stone church in Santa Fé; two lots and a handsome stone church in Albuquerque; building sites and a substantial and well appointed adobe church and comfortable rectory at Tombstone; in Las Vegas, first the rectory, then the new St. Paul's church, and an additional four lots purchased by the bishop from special funds in his control; a block of ground in Silver City and an attractive brick rectory.

The bishop helped to secure the lots for the church in Phoenix, contributing two hundred dollars for their purchase and one thousand dollars toward the building erected by Dr. Pearson and the congregation after his demise, one of the bishop's clergy, the Rev. J. A. M. La Tourrette, laying the cornerstone. Three lots were also procured in Socorro; in Tucson, two lots, and lots in Cerrillos, Springer and Raton, with funds in the ladies' guilds and the final cash balance turned over to the provisional bishop ad interim by the bishop's executors.

This development of church interests in material things during his episcopate would not seem notable in the casual observation of one accustomed to the more favored conditions of an eastern diocese, but it represents more than a tenfold increase in the value of church holdings in the jurisdiction, accomplished amid difficulties that would have paralyzed effort in one of less strength of character and consecration to the work.

The influence for good that everywhere radiated from the genial personality and cheerful piety of the good bishop can only be measured by the recording angel and will linger a delightful memory with all who knew him.

After Bishop Dunlop's return, ill, from the east, whither he had gone for the purpose of raising funds, he proceeded to Deming. Upon his arrival, Judge and Mrs. Warren Bristol, seeing that he was altogether too ill to travel, prevailed upon him to return home. After a brief rest he again set out for a short visitation to southern New Mexico, making his last visit at Mesilla, and going on to Silver City, where he was the guest of Dr. and Mrs. Bailey, who realized that his life's work was drawing to a close. He knew his condition, wrote Mrs. Bailey, and said he hoped not to be called until he had finished the work planned, but knew that the end might come at any moment. From Silver City he went to Fort Bayard, General and Mrs. Carr sending him to and from in their close carriage.

Returning to Las Vegas, his residence, which was at the time without a clergyman, throughout weeks of failing strength he held services in the chapel, sitting when unable to stand. The last service with holy communion was on Sunday, March 4, 1888; all present noted the change. His subject was Prayer. In tender pleading, at times only just audible, he urged its importance and efficacy. Many were in tears. It was a service never to be forgotten. The following Thursday, by advice of his physicians, he was taken to Las Cruces in the hope that the lower altitude would afford some relief. After taking leave of his family, he said: "I have looked for the last time on home and children." The next Sunday found him entering the valley of the shadows. About ten o'clock he said to his wife: "It is hard to be idle on Sunday." Again, when she was bathing his hands, he said: "Clean hands and a pure heart." At another time, quoting St. Paul: "This one thing I do, forgetting those things which are behind and reaching forth unto those things which are before, I press toward the mark for the prize of the—" The lucid moment passed. After hours of unconsciousness the heart suddenly ceased and he passed to his reward. He died at the

home of his kind friends, Dr. and Mrs. Lyon; he was also attended by his young friend, Henry D. Bowman. These tributes to the character and work of the bishop are appropriate here.

The following expressions show the power of the bishop's character in winning love and esteem: Bishop Williams, then residing over the house of bishops, wrote: "I have no words to express the deep sorrow with which I heard of Bishop Dunlop's death. It was a dreadful shock. I need not say that I loved him. Everybody that knew him did; but to me he was very dear, and I felt that I had the privilege of counting him among my nearest friends." The Very Rev. H. Martyn Hart, D. D.: "I have often thought of Bishop Dunlop in his most trying position. This was the real cause of his death. His was a cruel fate—an enormous work, without means to do it." Rev. Dr. William A. Snively: "Bishop Dunlop's character was the product of the peculiar graces and endowments with which nature had furnished him, cultivated by the university system to their fullest power, and put into actual practice in the energetic life of his adopted country. His native wit rippled and sparkled in his conversation, unconsciously to himself, and often expressed itself in appropriate classic phrase, but underneath there was a devoutness of spirit and a consecration to his work which could not be concealed." Mrs. Earle wrote from Tempe: "All our work in Arizona is associated with Bishop Dunlop's encouragement and care. The prayer books and hymnals he sent us were first used on the Sunday after his death."

The clergy who labored under his direction and enjoyed ample opportunities to measure his great worth felt his loss keenly. Mr. Bagnall wrote as follows: "I was much with the bishop in his long visits to Arizona. I loved and honored him for his devotion to the Master's work, his influence over men, kindness to his clergy, his sympathy, his wisdom and breadth, and the wonderful attractiveness of his conversation. I feel rich for my love of such a man." Rev. Henry Forrester said: "I feel I have been deprived of one of my very best friends, and it makes a void hard to fill." Rev. A. T. Sharp: "I esteemed and loved Bishop Dunlop for fifteen years (in Missouri and New Mexico). He was ever a faithful priest and bishop, laboring heart and soul for the best interests of the church." Rev. Mr. Githens: "The bishop was one of the best and noblest men it was ever my privilege to know. One of my best and dearest friends." Rev. Mr. Watt: "I feel completely crushed. He was like a father to me. My one comfort is, he did his work wisely and well and God has called him home." Rev. Mr. Sheppard: "When tidings reached me that my dear bishop had fallen asleep, my heart was sorely grieved. I have spoken many times of his kindness to me during my stay in New Mexico. The memory of his parting blessing has cheered me in hours of dark discouragement." Rev. Mr. Haskins: "I greatly regret that lest I should become useless, I had to run away from the field; Bishop Dunlop died at his post. That is best."

Judge Warren Bristol wrote: "His Christian virtues and sacred teachings, his manly character and social amenities, were of the highest order. His death leaves in our hearts a bereavement too profound to be expressed in words. My personal feeling is that the loss is irreparable. Dr. Pearson, of Phoenix, closed his memorial sermon in these words: "Bishop Dunlop was so ripe in scholarship, rich in experience, consecrated in his work, loving and beloved, one would fain have had him abide with us, but his de-

parture adds to the attractions of the future. In the name of all who esteemed and loved him, of all whose hearts were refreshed by his gentle, cheery words, of the many who were strengthened by his shining example of steadfast loyalty to truth and God, in the name of this little flock, upon some of whom he had laid the hands of holy confirmation and to whom he had given the cup of salvation, and in the name of all who love the appearing of our Lord Jesus Christ, with all his saints, we would place a wreath of immortelles upon the tomb of Bishop George Kelly Dunlop." Bishop Vail: "He was a man of rare worth, identifying himself fully with his people, carrying their interest continually in his heart and willing to spend and be spent in their service. And now the Lord has called him, 'Come up higher.' May we all follow him even as he followed Christ."

Right Rev. John Mills Kendrick, bishop of the missionary jurisdiction of New Mexico and Arizona (Episcopal), was born at Gambier, Ohio, May 14, 1836. Educated at Marietta College, Ohio, and at the Divinity school at Gambier, Ohio, he was ordained deacon May 31, 1864, and priest June 28, 1865, at Rosse chapel, Gambier, by Bishop McIlvaine. After spending his diaconate at Put-in-Bay Island, Lake Erie, Ohio, he went to Kansas and spent two years at St. Andrew's, Fort Scott, and six years at the Church of St. Paul, Leavenworth. Returning to Ohio he had the Church of the Good Shepherd, Columbus, served for five years as superintendent of city missions, Cincinnati, Ohio, and was general missionary for the diocese of Southern Ohio for five years. He was consecrated bishop for New Mexico and Arizona, January 18, 1889, as Bishop Dunlop's successor. Bishop Kendrick resided for five years at Albuquerque, New Mexico, and since then at Phoenix, Arizona.



## THE LEADING FRATERNAL ORGANIZATIONS.

## FREE MASONRY.

Free Masonry came to New Mexico with the American occupation. On August 18, 1846, General Kearny took possession of the city of Santa Fe, and in a little more than a year thereafter Free Masonry planted its banner of Friendship, Morality and Brotherly Love in the City of the Holy Faith. On October 18, 1847, Hardin Lodge No. 87, a military traveling lodge with the First Regiment of Illinois Volunteers, was instituted at Santa Fe by Colonel John Ralls, Grand Master of the Grand Lodge of Missouri. The lodge started with a membership of forty, mostly army officers, and worked at Santa Fé during the years 1847, 1848, 1849 and 1850, and was succeeded by Montezuma Lodge No. 109, to which a charter was granted by the Grand Lodge of Missouri May 8, 1851.

For several years these were the only lodges in all the vast territory now contained in Western Kansas, Western Nebraska, the two Dakotas, Colorado, Wyoming, Utah, Nevada, Montana, Oregon, Washington, New Mexico, Idaho, Western Texas, California, Arizona, the Indian Territory and Oklahoma.

Chapman Lodge at Las Vegas has the honor of being the next oldest. It was instituted under charter granted by the Grand Lodge of Missouri, June 2, 1862, and is now No. 2 on the New Mexico registry.

From 1865 to 1875 there existed in the Territory the following lodges under charters from the Grand Lodge of Missouri: Aztec Lodge No. 108 at Las Cruces; Silver City Lodge; Union Lodge at Fort Union; Bent Lodge No. 205, at Taos; Kit Carson Lodge No. 346, Elizabethtown, and Cimarron Lodge No. 348, at Cimarron.

On August 8, 1877, a Masonic convention, consisting of the masters and wardens of Montezuma, Chapman, Aztec, and Union Lodges, was called to order by the then governor, S. B. Axtell, and the Grand Lodge of New Mexico was formally organized at Santa Fe by the election of grand officers and the adoption of a constitution and by-laws. The first grand officers were: W. W. Griffin, Grand Master; W. L. Rynerson, Deputy Grand Master; S. B. Newcomb, Grand Senior Warden; G. W. Stebbins, Grand Junior Warden; Will Spiegelberg, Grand Treasurer; and David J. Miller, Grand Secretary. The membership of the four lodges numbered 165 Master Masons. The Silver City Lodge declined to join the organization.

The grand lodges throughout the globe then recognized the new grand lodge promptly, except Missouri, which stood for a time by Silver City Lodge, but the right and justice and Masonic equity being with New Mexico, Missouri finally accorded full recognition and the Silver City Lodge acknowledged the Grand Lodge of New Mexico as its lawful

superior and the supreme Masonic authority in New Mexico. Since then peace and harmony have prevailed in the jurisdiction, and the growth of the Grand Lodge, while it has not been rapid, has been steady and sure, and the craft is in a very prosperous condition.

The first chapter of Royal Arch Masons was organized in Santa Fé, January 31, 1886, under warrant from the General Grand Royal Arch Chapter of the United States.

The first commandery of Knights Templar was organized in Santa Fé, September 11, 1869, under warrant from the General Grand Encampment of the United States.

The first Council of Royal and Select Masters was organized at Deming.

Montezuma Lodge No. 1, A. F. & A. M., Santa Fé, chartered May 8, 1851, by the Grand Lodge of Missouri as Montezuma Lodge No. 109; united with the Grand Lodge of New Mexico until its present designation October 20, 1877. The masters and wardens have been as follows: Masters—Arthur Boyle, Thomas B. Catron, Thomas J. Curran, Charles F. Easley, Max. Frost, William S. Harroun, George W. Knaebel, Abram F. Spiegelberg, Sigmund Wedeles, Addison Walker, Salamon Spitz, Clinton J. Crandall. Wardens—Samuel G. Cartwright, Marcus Eldodt, Frederick Muller, Arthur Seligman, Ralph E. Twitchell, Robert D. Holt, Henry F. Stephens.

Among the members of Montezuma lodge in the early days of its career were many men whose names are well known in the history of New Mexico. It is to be regretted that many of the earlier records of this lodge have been lost or destroyed by fire. A copy of the by-laws of the lodge for 1864, while it was still known as No. 109, working under the Missouri dispensation, contains a tabular historical memorandum showing the membership from date of organization to 1864. Among those who were members of the lodge in 1851 were Jesus Gil Abreu, a charter member, who affiliated from Hardin Military Traveling U. D. lodge of Santa Fé August 22, 1851. No other name appears in the 1864 list as that of a charter member. The others who affiliated in 1851 were Merrill Ashhurst, from Montgomery Lodge No. 11, Alabama, expelled February 7, 1857; Robert T. Brent, from Hardin Lodge U. D.; James Conklin, from Hardin Lodge; Francis A. Cunningham, from Bolivar Lodge No. 82, Eaton, Ohio; Joseph D. Ellis, expelled June 3, 1854; S. C. Florence; L. P. Graham; Reuben Frank Green, from Platte Lodge No. 56, Platte City, Mo.; Thomas E. Massie; William McGorty, from Morrison Lodge No. 103, Kentucky; Henry O'Neill; John S. Patton; Benjamin F. Read, expelled August 29, 1857; Solomon Jacob Spiegelberg; Murray F. Tuley; Pinckney R. Tulley; J. N. Ward, from Columbia Lodge No. 8; John E. Weber. Those initiated in that year were Charles H. Clark, Lafayette Head, E. G. Nicholson, Charles S. Rumley, Hugh N. Smith, and Ennis J. Vaughn. The 1864 list contains the names of the following additional members: Thomas S. Akerman, Jacob Amberg, Allen L. Anderson, N. B. Appel, Elisha J. Bailey, Alexander Barclay, Edmund J. Barry, Louis Bartels, Israel F. Battaile, George T. Beall, Joseph McC. Bell, William Hemp Bell, Kirby Benedict, Edward H. Bergman, Juan S. Bernadet, Joseph Beuthner, Solomon Beuthner, Thomas Biggs, George A. H. Blake, George E. Blake, Charles Blumner, Stephen Boice, Thomas F. Bowler, Charles Bowmer, Horace Brooks, William Henry Brooks, Martin

Luther Byers, James Henry Carleton, Christopher Carson, John Charles, Charles H. Clark, Milton Cogswell, Joseph W. Corkins, J. C. Craddock, Charles A. Curtis, Benjamin C. Cutler, William T. Dalton, John W. Davidson, Wendel Debus, Cyrus H. De Forrest, Ezra N. De Pew, Horace L. Dickinson, Edward Doyle, Alexander Duvall, Harvey E. Easterday, Albert Elsberg, Gustave Elsberg, George H. Estes, Louis Othon Faringhy, John M. Francisco, Julius Freudenthal, James M. Giddings, George Gold, James Graham, John Greiner, William W. Griffin, Seth R. Hammer, Edwin Harrison, Lewis Hax, Isador Hochstadler, Samuel K. Hodges, Joab Houghton, Santiago L. Hubbell, Sydney A. Hubbell, Augustine M. Hunt, James M. Hunt, B. J. D. Irwin, Jules Jeanneret, Henry C. Johnson, Robert Johnson, Peter Joseph, F. E. Kavanaugh, John M. Kingsbury, Charles W. Kitchen, Peter Knapp, David R. Knox, George Krager, Jacob Krummeck, Benjamin J. Latz, Joseph A. LaRue, Pierre H. L. Blanc, William T. Magruder, Joseph G. Marsh, Christopher H. McNally, James M. McNulty, J. S. Mercer, Charles Meinhold, Henry Mercure, David J. Miller, Charles Newbold, William H. Osterton, Miguel Antonio Otero, Eugene Papin, Charles G. Parker, Albert Henry Pfeiffer, Palmer J. Pillans, Thomas Pollock, Charles Porter, F. W. Posthoff, James H. Quinn, Horace Randal, Alexander W. Reynolds, B. H. Robertson, Leonard J. Rose, Thomas Rowland, William B. Russell, James E. Sabine, Fred Z. Solomon, Peter Saxel, Thomas F. Smith, Charles L. Spencer, Elias Spiegelberg, Levi Spiegelberg, Zadok Staab, Michael Steck, William A. Street, Ceran St. Vrain, Moses Swabacher, Richard L. Tidrick, Frederick Tolhurst, Thomas Sheridan Tucker, John R. Tulles, J. C. Walker, William V. B. Wardwell, John L. Waters, James J. Webb, Charles Emil Wesche, Charles E. Whilden, Alexander P. Wilbar, John D. Wilkins, Newton Williams and Henry Winslow.

Chapman Lodge No. 2, Las Vegas, was chartered June 2, 1866, by the Grand Lodge of Missouri, as Chapman Lodge No. 95; united with the Grand Lodge of New Mexico October 20, 1877. There is no record of the time that a dispensation was granted for Chapman Lodge at Las Vegas, but in the proceedings of the Grand Lodge of Missouri in 1863, we find that it held a communication May 29, 1862, and as there appeared some irregularities in the work done, a charter was not granted at that session. At the session in 1864, other irregularities appearing in the work of Chapman Lodge, U. D., the Grand Secretary was instructed to strike the name of Chapman Lodge, U. D., from the rolls of their Grand Lodge. On May 25, 1865, it was ordered that the dispensation to Chapman Lodge, U. D., at Fort Union be returned to the District Deputy Grand Master for that district with instructions to set the craft at work as soon as master and wardens were qualified to discharge their several duties. The masters and wardens of Chapman Lodge have been: Masters—Louis Sulzbacher, Charles W. Danver, Charles H. Sporleder, James S. Duncan, Robert L. M. Ross, George W. Ward, John Hill, Alfred B. Smith, Lucien Rosenwald, Oscar L. Gregory, John McMullen, Marine R. Williams. Wardens—Louis Sulzbacher, Charles W. Danver, Charles H. Sporleder, James S. Duncan, Robert L. M. Ross, John McMullen, George W. Ward, John Hill, Alfred B. Smith, Lucien Rosenwald, Oscar L. Gregory, Alpheus A. Keen, Emanuel Rosenwald, William T. Treverton, Lou D. Webb, Andrews A. Jones, Charles Ilfeld, Thomas W. Garrard, Marine R. Will-

iams, Harry M. Smith, Daniel Stern, Simon Bacharach, William J. Lucas, B. Frank McGuire, Cyrus D. Boucher.

The Masonic Temple in Las Vegas, dedicated June 24, 1895, built by Masons, and the Montezuma Club, cost over \$30,000. It is one of the finest homes of Masonry in the southwest.

Aztec Lodge No. 3, Las Cruces, was chartered October 19, 1867, by the Grand Lodge of Missouri as Aztec Lodge No. 108; united with the Grand Lodge of New Mexico October 20, 1877. The masters and wardens have been: Masters—Philip H. Curran, Elias E. Day, Louis Hostetter, Herbert B. Holt, Martin Lohman, Benjamin P. Nicholson, Charles Mills, John D. Tinsley, George W. Frenger, Elias E. Day. Wardens—Philip H. Curran, Elias E. Day, Raleigh F. Hare, Herbert B. Holt, Louis Hostetter, Lawrence Lapoint, Martin Lohman, Oscar Lohman, Benjamin P. Nicholson, Vincent B. May, Charles Mills, Henry Stoes, George W. Frenger, John Engler, John D. Tinsley. The first officers were: Joab Houghton, W. M.; P. R. Tully, S. W.; W. McCormick, J. W.; John Lemon, Treasurer; R. H. Blake, Secretary; R. H. Franklin, S. D.; George E. Blake, J. D.; James Conklin, Tyler.

Bent Lodge No. 204, Fernando de Taos, was chartered June 1, 1860, by the Grand Lodge of Missouri, and surrendered its charter in 1865.

Rocky Mount Lodge No. 205, Camp Floyd, was chartered June 1, 1860, by the Grand Lodge of Missouri, and surrendered its charter in 1862.

Kit Carson Lodge No. 326, Elizabethtown, was chartered October 12, 1869, by the Grand Lodge of Missouri, and was arrested by the Grand Master of Missouri in 1878. With the decline of the camp the lodge was moved to Cimarron.

Silver City Lodge No. 8, Silver City, was chartered as Silver City Lodge No. 465, on October 17, 1873, by the Grand Lodge of Missouri, but did not unite with the Grand Lodge of New Mexico until March 11, 1882, when it received its present number. Its masters and wardens have been: Masters—Hyman Abraham, Cornelius Bennett, Robert Black, Eugene Cosgrove, Elisha J. Franz, Arthur H. Harlee, Carl Hagen, John J. Kelly, W. C. Porterfield, Alvan N. White, Edgar M. Young, Colin Neblet, W. B. Walton. Wardens—Hyman Abraham, Cornelius Bennett, Robert Black, Eugene Cosgrove, M. V. Cox, E. J. Franz, H. S. Gillett, Arthur S. Goodell, Arthur H. Harlee, Carl Hagen, F. E. Milsted, Richard V. Newsham, J. J. Kelly, Colin Neblet, W. C. Porterfield, Max Schultz, William Swancoat, Alvan N. White, W. B. Walton, Reginald Platt, W. F. Lorenz, Robert M. Turner.

Union Lodge No. 4, Watrous, was chartered as Union Lodge No. 480 at La Junta, by the Grand Lodge of Missouri, October 15, 1874; removed to Fort Union; thence to Watrous; united with the Grand Lodge of New Mexico October 20, 1877. Its masters and wardens have been: Masters—Charles Bowmer, Otto Lange, James A. Rolls, Charles Q. Tipton, Simon Vorenberg, James A. Winans, Otto Lange. Wardens—Charles Bowmer, I. F. Carpenter, H. C. Hallet, Otto Lange, William Morgan, S. E. Rucker, James A. Rolls, Charles Q. Tipton, Simon Vorenberg, W. H. Wilcox, Alvin J. Thuli.

Cimarron Lodge No. 348, Cimarron, was chartered October 14, 1875, by the Grand Lodge of Missouri, but surrendered its charter in 1879.

The remaining lodges in the Territory were chartered by the Grand Lodge of New Mexico. They are as follows:

Temple Lodge No. 6, Albuquerque, was chartered January 18, 1881. Its chief officers have been: Masters—William B. Childers, A. McKay Whitcomb, Joseph H. Kuhns, Elias S. Stover, Frederick Herbert Kent, Edward Medler, Arthur J. Maloy, James H. Wroth, Bernhard Myer, Frank McKee, Arthur E. Walker, Lewis H. Chamberlain, Charles F. Myers, Robert Abraham, Edward L. Medler, A. B. McMillen, William P. Fox, Clifton O. Young. Past Masters from Other Jurisdictions—George H. Browne, William J. Cardwell, W. D. Clayton. Wardens—John L. Andrews, Lewis Lesser, Ferd Lowenthal, Samuel Neustadt, E. C. Hall, William P. Fox, Clifton O. Young, Arthur Everitt. Past Wardens from Other Jurisdictions—George H. Browne, William J. Cardwell, William D. Clayton, John C. Ferger.

Socorro Lodge No. 9, Socorro, was chartered December 21, 1882. Masters—Cony T. Brown, George E. Cook, William Driscoll, Harry M. Dougherty, Charles G. Duncan, Emmet A. Drake, James G. Fitch, Robert C. Stuart, William H. Seamon, James P. Chase. Wardens—Cony T. Brown, James P. Chase, George E. Cook, William Driscoll, Emmet A. Drake, Harry M. Dougherty, Charles G. Duncan, Adam Ewing, James G. Fitch, Robert C. Stewart, William H. Seamon, Frank G. Bartlett.

Nimbres Lodge No. 10, Nimbres, was chartered December 21, 1882. Masters—Beno Rosenfeld, Charles Dennis, Frank Daly, Alexander McGregor, John V. Mitchell, N. J. Hicks. Wardens—John G. Bragaw, Victor Culberson, Nathaniel Hicks, W. Z. Redding, George V. Yates, A. E. Dawson.

Gate City Lodge No. 11, Raton, was chartered December 13, 1883. Masters—Albert S. Stevens, Benjamin F. Caldwell, James J. Schuler, Chester D. Stevens, Fred Rohr, Frank Henning, Christopher N. Blackwell, Rollin H. Ayers, Alfred C. Price, Charles H. Colgrove. Wardens—Henry C. Griegoldt, Fred C. Nash, James W. Thomas, Francis S. Knox, George E. Lyon, Walter L. Johnson, William J. Linwood, Albert G. Shaw, Thomas B. Hart, Charles L. Young, Joseph P. Brackett, Charles H. Colgrove, William M. Caldwell.

Deming Lodge No. 12, Deming, was chartered December 13, 1883. Masters—Newton A. Bolich, John Corbett, Homer H. Kidder, Andrew B. Laird, Joseph P. McGrorty, Lou H. Brown, Frank De Lannay. Wardens—Roland F. Goering, James A. Kinnear, Julius Rasch.

Hiram Lodge No. 13, San Marcial, was chartered November 11, 1885. Masters—John K. Dehart, Frank J. Easley, H. Benem, Frank P. Wilson, L. A. Carr, Frank Johnson, J. A. Johnson, D. W. Hitchcock, J. P. McMurray, Leo Loewenstein.

Animas Lodge No. 15, Farmington, was chartered January 21, 1888. Masters—David J. Craig, Almon E. Dustin, James E. McCarty, Charles C. Pinckney, Edward S. Whitehead. Wardens—Cyrus W. Campbell, George L. Cooper, David J. Craig, Almon E. Dustin, Adelbert C. Hubbard, James E. McCarty, Charles R. McCoy, Michael C. Picken, Franklin M. Pierce, Charles C. Pinckney, John R. Pond, Edward S. Whitehead.

Kingston Lodge No. 16, Hillsboro, was chartered January 15, 1889. Masters—William H. Bucher, John G. Wagner, Thomas Murphy, John M. Webster. Wardens—Charles L. Edmundson, John G. Wagner, Will-

ard S. Hopewell, Amelio Lusa, Thomas Murphy, Robert Murray, Ellsworth F. Bloodgood, William H. Bucher, John M. Webster, W. Guy Beals.

Chama Lodge No. 17, Chama, was chartered January 15, 1889. Masters—Charles Branen, Wilmot E. Broad, Lewis Johnson, Charles M. Marshall, John Owens, Henry Seth, Jeremiah E. Thomson, Thomas J. Thomson, John S. Wood, David M. Wright. Wardens—Charles Branen, Wilmot E. Broad, William F. Edwards, Henry Seth, James V. Johnson, Lewis Johnson, George W. La Poite, Charles M. Marshall, John Morris, John Owens, David Rusk, John H. Schakel, Thomas J. Thomson, John S. Wood, David M. Wright.

Roswell Lodge No. 18, Roswell, was chartered January 29, 1890. Masters—William S. Prager, John W. Poe, Nathan Jaffa, Charles Wilson, William M. Atkinson, Edward A. Cahoon, Ralph M. Parsons, Robert Kellahin, James W. Wilson, William T. Joyner. Wardens—John W. Poe, James P. White, Nathan Jaffa, George T. Davis, Charles Wilson, William M. Atkinson, Edward A. Cahoon, William H. Cosgrove, Ralph M. Parsons, Joseph J. Jaffa, Robert Kellahin, James W. Wilson, William T. Joyner, John Shaw.

Cerrillos Lodge No. 19, Cerrillos, was chartered January 20, 1890. Masters—Austin L. Kendall, Richard Green, Earl A. Turner, William E. Dame, J. W. Sullivan. Wardens—Richard Green, W. E. Dame, W. H. Kennedy, Earl A. Turner, Austin L. Kendall, S. C. Clark.

Eddy Lodge No. 21, Carlsbad, was chartered October 2, 1894. Masters—Samuel I. Roberts, Abram N. Pratt, Alonzo Luckey. Wardens—Samuel I. Roberts, Abram N. Pratt, William R. Owen, Lucius Anderson, Daniel H. Lucas, Louis O. Fullen.

Lebanon Lodge No. 22, Gallup, was chartered October 2, 1894. Masters—L. V. Root, E. H. Harlow, J. S. Mohler, D. C. Russell, W. H. Wolff, R. J. Washburn, Palmer Ketner, J. H. Young. Wardens—C. N. Cotton, Simon Frost, Edward Hart, J. H. Young, E. M. Sanjule, Robert Hodgson, T. C. De Shon.

Clayton Lodge No. 23, Clayton, was chartered October 8, 1895. Masters—Robert P. Ervien, John C. Slack, Claus Schleter, John Spring. Wardens—Robert P. Ervien, John C. Slack, Claus Schleter, F. P. Carnes, John Spring, John W. McQueen, John W. Evans, Morris Herzstein.

Sacramento Lodge No. 24, Alamogordo, was chartered October 16, 1900. Masters—Hal. H. Major, George C. Bryan. Wardens—George C. Bryan, Hal. H. Major, Charles E. Beasley, A. J. Buck.

San Juan Lodge No. 25, Aztec, was chartered October 21, 1902. Masters—A. R. Springer, E. G. Condit. Wardens—E. G. Condit, G. W. McCoy, Maurice Pembleton, E. D. Duncan.

Portales Lodge No. 26, Portales, was chartered October 20, 1903. Master—Pugh W. Price. Wardens—Ben Wood, Walter O. Oldham, Charles O. Leach.

Tucumcari Lodge No. 27, Tucumcari, was chartered October 18, 1904. Master—John E. Whitmore. Warden—Charles H. Rankin.

Artesia Lodge No. 28, Artesia, was chartered October 18, 1904. Master—John P. Dyer. Warden—John B. Cecil.

Felix Lodge, U. D., Hagerman, was chartered May 16, 1905. Master—Myron C. Moore. Warden—Frank H. Anderson.

The total membership of the various lodges in the Territory at the date of the last annual report, August 31, 1905, was 1484, divided as follows:

Montezuma, 78; Chapman, 128; Aztec, 33; Union, 28; Temple, 182; Silver City, 101; Socorro, 38; Nimbres, 14; Gate City, 136; Deming, 69; Hiram, 40; Animas, 25; Kingston, 43; Chama, 41; Roswell, 123; Cerrillos, 34; Eddy, 68; Lebanon, 42; Clayton, 51; Sacramento, 71; San Juan, 22; Portales, 41; Tucumcari, 31; Artesia, 34; Felix, 11.

The elected officers of the Grand Lodge of New Mexico, with the date of their election, have been as follows:

Grand Masters—August, 1877, William Griffin; January, 1880, William L. Rynerson; January, 1881, S. B. Newcomb; December, 1881, Henry L. Waldo; December, 1882, John B. Wooten; December, 1883, William B. Childers; November, 1884, Cornelius Bennett; November, 1885, Maximilian Frost; November, 1886, C. N. Blackwell; November, 1887, W. S. Harroun; January, 1889, A. H. Morehead; January, 1890, F. H. Kent; January, 1891, C. H. Dane; November, 1891, Richard English; October, 1892, J. H. Kuhns; 1893, C. H. Sporleder; 1894, J. J. Kelly; 1895, James H. Wroth; 1896, Charles Bowmer; 1897, John W. Poe; 1898, R. C. Stewart; 1899, Elias E. Day; 1900, E. S. Stover; 1901, A. H. Harilee; 1902, Edward A. Cahoon; 1903, John C. Slack; 1904, G. W. Ward; 1905, James G. Fitch.

Deputy Grand Masters—August, 1877, William L. Rynerson; January, 1880, S. B. Newcomb; January, 1881, John B. Wooten; December, 1881, George J. Dinkel; December, 1882, Albert J. Fountain; December, 1883, Cornelius Bennett; November, 1884, Maximilian Frost; November, 1885, C. N. Blackwell; November, 1886, W. S. Harroun; November, 1887, F. H. Kent; January, 1889, A. H. Morehead; January, 1890, Albert J. Fountain; January 1891, Richard English; November, 1891, J. H. Kuhns; October, 1892, C. H. Sporleder; 1893, Charles Bowmer; 1894, James H. Wroth; 1895, J. P. McMurray; 1896, John W. Poe; 1897, R. C. Stewart; 1898, Elias E. Day; 1899, E. S. Stover; 1900, A. H. Harilee; 1901, Edward A. Cahoon; 1902, John C. Slack; 1903, G. W. Ward; 1904, James G. Fitch; 1905, A. N. Pratt.

Senior Grand Wardens—August, 1877, S. B. Newcomb; January, 1880, Henry L. Waldo; January, 1881, George J. Dinkel; December, 1881, Albert J. Fountain; December, 1882, William B. Childers; December, 1883, Maximilian Frost; November, 1884, Andrew B. Laird; November, 1885, J. H. Kuhns; November, 1886, A. H. Morehead; November, 1887, F. H. Kent; January, 1889, Andrew B. Laird; January 1890, C. H. Dane; January, 1891, J. H. Kuhns; November, 1891, C. H. Sporleder; October, 1892, Charles Bowmer; 1893, J. P. McMurray; 1894, George L. Wylls; 1895, Chester D. Stevens; 1896, R. C. Stewart; 1897, Elias E. Day; 1898, E. S. Stover; 1899, L. H. Hofmeister; 1900, Edward A. Cahoon; 1901, John C. Slack; 1902, George W. Ward; 1903, James G. Fitch; 1904, A. N. Pratt; 1905, W. E. Dame.

Junior Grand Wardens—August, 1877, G. W. Stebbins; January, 1879, John B. Wooten; January, 1881, M. Bloomfield; December, 1881, William B. Childers; December, 1882, William B. Tipton; December, 1883, Eugene Cosgrove; November, 1884, A. M. Whitcomb; November, 1885, D. H. Dotterer; November, 1886, William L. Rynerson; November, 1887, John Corbett; January, 1889, J. D. Bush; January, 1890, Richard English;

January, 1891, C. H. Sporleder; November, 1891, Charles Bowmer; October, 1892, J. P. McMurray; 1893, J. J. Kelly; 1894, Chester D. Stevens; 1895, John W. Poe; 1896, Elias E. Day; 1897, E. S. Stover; 1898, W. E. Dame; 1899, A. H. Harllee; 1900, John C. Slack; 1901, George W. Ward; 1902, James G. Fitch; 1903, A. N. Pratt; 1904, W. E. Dame; 1905, J. W. Willson.

Grand Treasurers—August, 1877, W. Spiegelberg; January, 1881, William G. Ritch; December, 1893, Sigmund Wedeles; November, 1884, Elias S. Stover; November, 1885, J. S. Pishon; November, 1887, Ferd Schmidt; January, 1889, C. A. Fox; November, 1891, J. W. Schofield; October, 1892, W. W. Pope; 1893, F. H. Kent; 1899, James H. Wroth; 1900, A. J. Maloy.

Grand Secretaries—August, 1877, D. J. Miller; November, 1884, Alpheus A. Keen.

An event to which some romantic interest is attached was the memorial service to Admiral John Paul Jones held by the lodges of the Territory, April 24, 1906, the day on which the Grand Lodge of New Hampshire performed the funeral services over his remains, which had been brought to America from France, and were deposited on that day in the Naval Academy at Annapolis.

Edward Leland Bartlett, first grand commander of the Grand Commandery of Knights Templar of New Mexico and solicitor general of the Territory, was born in Oxford county, Maine, in 1847, and died at Santa Fé October 19, 1904. In 1857 he removed to Kansas with his father. At the outbreak of the Civil war he returned to Maine to prepare himself for Bowdoin College. He returned to Kansas in 1866, where he studied law in his father's office until 1869, when he attended the Law Department of the University of Michigan. He was admitted to the bar of Wyandotte county, Kansas, in 1871, and in the Supreme Court of that state in the same year. He remained in Wyandotte, now Kansas City, Kansas, practicing his profession, until 1880, when he removed to Santa Fé. He was adjutant-general of the Territory under Governors Sheldon and Ross, and assisted the regular troops during the Apache campaigns of 1883, 1884 and 1885, and was also active with the militia in suppressing cattle thieves and outlaws in the southern part of the Territory during these years. In 1889 he was appointed Solicitor General of New Mexico, which position he held until his death, with the exception of three years. He was one of the prime movers in establishing the New Mexico Bar Association in 1886, when he was elected its first Secretary, and was re-elected annually to that position. He was a member of Santa Fé Commandery No. 1 for twenty-two years and Eminent Commander for ten years, and was the first Grand Commander of the Grand Commandery of Knights Templars of New Mexico. He held high rank in Masonic circles, having attained the thirty-second degree in the Scottish Rite. He also had served as grand chancellor of the Knights of Pythias of the State of Kansas. He was a member of the Santa Fé Lodge of Odd Fellows.

Alpheus A. Keen, of Albuquerque, is Grand Secretary of the Grand Lodge of Ancient, Free and Accepted Masons, succeeding David J. Miller in this office, in November, 1884. He was made a Mason in Chapman Lodge at Las Vegas, New Mexico, in 1882, and is a member of all the bodies of Masonry save those of the Scottish Rite. A native of Pomeroy,



Ohio, he came to New Mexico in October, 1879, settling at Las Vegas, and was employed as a bookkeeper in a general merchandise store owned by Frank Chapman, who died January 1, 1880. On the 5th of February following Mr. Keen entered the First National Bank at Las Vegas as collection clerk, and continued with that institution until 1890, when he came to Albuquerque and was assistant cashier and later cashier of the First National Bank here. He continued his connection with that financial institution until July 24, 1899, when he resigned to accept his present position in Santa Fé, as commissioner of public lands, which office was created in that year. He is also Grand Secretary of the Grand Royal Arch Chapter and Grand Recorder of the Grand Commandery Knights Templar.

Cony Thomas Brown, M. E., a mining engineer of Socorro, where he has resided since 1880, was born in Maine, November 30, 1856, and his more advanced education was acquired in Maine Central Institute at Pittsfield. He came to Socorro in the service of the Ellis Mining Company and was superintendent for three years of their mine in the Magdalena district. Since that time he has carried on business on his own account, and for the past twenty-five years has held a number of investments in mining property. His professional services, particularly as an expert on zinc deposits, have called him throughout the west and southwest portions of the country and into Mexico and British Columbia. He is recognized as one of the most capable representatives of the profession in this part of the Union.

Mr. Brown is a prominent Mason, having been raised in Socorro Lodge No. 9, A. F. & A. M. He also belongs to Socorro Chapter No. 8, R. A. M., to Hiram Council, R. & S. M., at Albuquerque, to Pilgrim Commandery No. 3, K. T., and Wichita Consistory No. 2, A. & A. S. R. He has largely confined his work to Scottish Rite Masonry, having received the thirty-third degree in that Rite. He is now serving for the second term as secretary and treasurer of the board of regents of the School of Mines, which position he has filled since 1898.

Mr. Brown was married in 1890 to Miss Anna Kornitzer, a daughter of Dr. Kornitzer, and their children are Cony C. and Thomas C. Brown.

Henry F. Stephens, a draftsman in the surveyor general's office at Santa Fé, was born in Logan county, Illinois, in 1864, and at the age of nineteen years became a resident of Nebraska. For several years he was engaged in lumber, grain, livestock and banking in Stanton, Nebraska, and since July, 1902, has been a resident of Santa Fe. He was made a Mason in Northern Light Lodge No. 41, A. F. & A. M., at Stanton in 1891, has taken the degrees of the York Rite and attained the fourteenth degree of the Scottish Rite. He is now master of Montezuma Lodge No. 1, A. F. & A. M., of Santa Fé.

## HISTORY OF ODD FELLOWSHIP IN NEW MEXICO.

Following the American occupation of New Mexico, the pioneers found themselves associated in government and general activities with a people foreign in birth, language, habits and fellowship, and who, while courteous in intercourse, were Spanish in character. Many of these people were at first jealous and unsympathetic, and, under prejudice worked upon by both priest and patrician, even hostile. Including the civil officers appointed by the president, the military, the merchants, a few representatives of the professions, industrial forces and trappers and the pioneer Americans, they constituted a distinctly new and progressive element and naturally were in close mutual sympathy. Experience under wholesome laws and contact with American people eventually softened antagonisms and brought these new citizens to realize that they were to share a common heritage of liberty. To meet the anomalous conditions of the Territory, much fell to the sodality of Odd Fellowship.

Most of the American frontiersmen were strangers to one another, but all partook of the force and equality of the pioneer, generous and hospitable to a fault. Santa Fé was the great trading point of the southwest, where all interests centered. And from the sturdy manhood gathered there, although largely transient, were drawn the eligible initiates into the order. It was near the middle of the nineteenth century that, in answer to the petition of a few Odd Fellows residing in New Mexico, the warrant for the institution of the first lodge in the Territory was issued by Grand Sire Griffin. The application was signed by Joseph D. Ellis, Horace L. Dickinson, Charles L. Spencer, Isidor Sanson, Robert Perry, Jacob Davidson and Robert Cary.

The warrant issued was dated April 21, 1851, and on July 19 following Montezuma Lodge, No. 1, was duly instituted at Santa Fé, Robert Cary being the instituting officer. The first officers were: Horace L. Dickinson, clerk of the Supreme Court, N. G.; George H. Estes, an attorney, V. G.; Charles L. Spencer, a clerk, secretary; and Joseph Mercure, a merchant, treasurer.

Among the names that subsequently appear upon the roll of this lodge were: Thomas H. Mayer, Indian agent; Pinkney R. Tully, lawyer; D. V. Whiting, clerk and translator; Henry J. Cuniffe, S. J. Spiegelberg, Elias Spiegelberg, Wendel Debus, and J. H. Quinn, merchants; Vicente St. Vrain, Indian trader, and captain of Volunteers during the Taos insurrection; John Greiner, secretary of the Territory; Santiago Abreu, stock grower; F. X. Aubrey, freighter; E. G. Nicholson, clergyman; Joab Houghton, first chief justice of New Mexico; J. J. Webb, merchant; William Drew, merchant; Perry E. Brocchus, associate justice of the Supreme Court; David J. Miller, chief clerk in the surveyor-general's office; and John B. Grayson, lieutenant-colonel in the United States Army.

A few weeks after the institution of the lodge, on September 26th, the lodge buried William Curtis Skinner, a member of an eastern lodge, who had been murdered in Santa Fé. This event emphasized the desirability of the establishment of a cemetery suitable for the reception of the bodies of members of the craft, and soon afterward the Odd Fellows and Masons joined in the purchase of land for its location. Until the opening of the railroad this remained the only consecrated burial place within hundreds of miles of Santa Fé, aside from that of the Roman Catholic church. This cemetery was incorporated by the Masons and Odd Fellows of Santa Fé by act of the Legislature April 23, 1853.

Early in 1852 a number of members of Montezuma Lodge withdrew and organized a new lodge, which was instituted as Paradise Lodge No. 2. The two lodges joined in the erection of a lodge temple, the cornerstone of which was laid in 1855 by Horace L. Dickinson, the oration being delivered by Chief Justice Houghton. This building, which stood on the site now occupied by the convent of the Sisters of Loretto, was afterward destroyed by a mountain torrent. The second pioneer lodge referred to was instituted May 13, 1852. The first officers were: James E. Sabine, N. G.; S. J. Spiegelberg, V. G.; John G. Jones, secretary; and Isaac Hochstaetter, treasurer. These, with D. V. Whiting, Wendel Debus, P. R. Tulley and J. J. Bienke, were the charter members. The first candidates to be initiated were Captain Horace Brooks, U. S. A., and Doctor Edmund J. Barry, surgeon in the U. S. A. This lodge finally became infected with a discordant element, and February 10, 1859, a majority of its members voted to surrender the charter, at the same time petitioning for a new lodge.

April 28, 1853, Ridgely Encampment No. 1 was instituted at Santa Fé with these officers:

James E. Sabine, C. P.; S. J. Spiegelberg, H. P.; Charles L. Spencer, S. W.; Lewis Hax, J. W.; E. J. Barry, scribe; Levi Spiegelberg, treasurer.

About the same time Bugle Lodge No. 3 was instituted at Fort Union, with Horace Brooks, N. G.; F. W. Posthoff, V. G.; James Craig, secretary, and W. D. Supp, treasurer. These five bodies, all working at the same time, constituted the pioneer group in advance of all other lodges instituted west of the Missouri river.

The last meeting of Montezuma Lodge, the pioneer of all, was held April 20, 1859. The charter was soon afterward forfeited, the lodge having dwindled to so small a size that the chairs could not be filled at its meetings. A remarkable coincidence lies in the fact that the charters of Paradise Lodge and Ridgely Encampment were surrendered at the same time. Paradise Lodge was finally resuscitated and instituted December 19, 1859, with the discordant element left out. In 1862, on account of the Civil war, it ceased to meet, but it was revived in 1865 with new blood and has continued to the present time.

With the coming of the railroad to New Mexico other centres of population developed and new lodges were instituted.

September 3, 1887, Grand Sire John H. White, in response to a petition, issued a dispensation directed to Brother A. C. Sloan, A. P. G., of Las Vegas Lodge, and D. D. G. S., vesting in him authority to open and constitute, in Santa Fé, the R. W. Grand Lodge of New Mexico. For

this purpose a convention assembled at Santa Fé September 7, 1887, with the following named past grands as delegates:

Albuquerque Lodge No. 1, C. L. Hubbs and Edward Strausburg.

Paradise Lodge No. 2, James T. Newhall and P. H. Kuhn.

Aztlan Lodge No. 3, A. P. Hogle and J. K. Livingston.

Las Vegas Lodge No. 4, Calvin Fiske and A. C. Sloan.

Deming Lodge No. 6, Edward Pennington and L. Fleishman.

Gem City Lodge No. 7, C. T. Russell and R. P. Faddis.

Raton Lodge No. 8, C. F. Houston and G. R. Hill.

The Percha Lodge No. 9, A. J. Kent.

Fidelity Lodge No. 10, John C. Spears.

The Grand Lodge was organized with the following officers: Grand master, A. C. Sloan; deputy grand master, C. L. Hubbs; grand warden, C. T. Russell; grand secretary, P. H. Kuhn; grand treasurer, James T. Newhall. The grand master appointed the following officers: Grand marshal, A. J. Kent; grand conductor, G. R. Hill; grand guardian, John C. Spears; grand chaplain, A. P. Hogle; grand herald, W. P. McLaughlin; grand messenger, Edward Pennington. The past grands who were entitled to seats as members of the Grand Lodge were: D. L. Miller, No. 2; I. S. Tiffany, No. 7; S. T. Reed, No. 3; W. B. McLaughlin, No. 1; M. A. Breeden, No. 2; J. J. Osborn, No. 7; J. N. Strausner, No. 4; William Bolander, No. 2. A. J. Kent was elected representative to the Sovereign Grand Lodge. The total membership of the new jurisdiction was 381.

The first lodge to be instituted after the advent of the Atlantic & Pacific railroad was Las Vegas Lodge No. 4, which was instituted October 29, 1879. Following this case San Vicent Lodge No. 5; Silver City, instituted January 4, 1881 (defunct); Albuquerque Lodge No. 1, May 5, 1882; Aztlan Lodge No. 3, of Santa Fé, April 26, 1883 (merged with Paradise Lodge No. 2); Deming Lodge No. 6, September 22, 1884; Gem City Lodge No. 7, Socorro, November 2, 1885; Raton Lodge No. 8, June 11, 1886; The Percha Lodge No. 9, Kingston, May 10, 1887; Fidelity Lodge No. 10, Gallup, August 12, 1887; Blossburg Lodge No. 11, February 4, 1888; Samaritan Lodge No. 12, Roswell, August 8, 1890; Isaac S. Tiffany Lodge No. 13, Silver City, August 17, 1890; San Marcial Lodge No. 14, September 25, 1891; Valley Lodge No. 15, Las Cruces, November 28, 1891; Golden Rule Lodge No. 16, White Oaks, May 25, 1892; Harmony Lodge No. 17, Albuquerque, June 6, 1893; Friendship Lodge No. 18, Cerrillos, July 8, 1893 (defunct); Stanton Lodge No. 19, Fort Stanton, October 21, 1895; Defender Lodge No. 20, Fort Wingate, February 20, 1896; Eddy Lodge No. 21, Carlsbad, June 12, 1896; Cochiti Lodge No. 22, Bland, October 21, 1899; Aztec Lodge No. 23, Aztec, ....., 1900; Farmington Lodge No. 24, February 12, 1901; Alamogordo Lodge No. 25, July 6, 1901; Damascus Lodge No. 3, Hagerman (taking the number of Aztlan Lodge No. 3, which had merged with Paradise Lodge No. 2), January 6, 1903; Excelsior Lodge No. 5, North Capitan (Coalora), February 28, 1903; Artesia Lodge No. 11, August 20, 1904; Guardian Lodge No. 15, Springer, April 15, 1905.

Golden Rule Lodge No. 16, I. O. O. F., was instituted at White Oaks, New Mexico, May 26, 1892, by Grand Master J. C. Burge. Charter members: John A. Brown, F. O. Anderson, R. D. Armstrong, C. W.

Marks, J. L. Zimmerman, J. C. Keplinger, H. S. Conrey, E. McB. Timoney.

An event of great importance in the history of Odd Fellowship in New Mexico occurred July 17 and 18, 1901, when the golden jubilee meeting of the order, celebrating the fiftieth anniversary of the institution of the pioneer lodge, was held at Santa Fé. The meeting was a notable one in many ways. It was not only the golden jubilee of the order in the Trans-Missouri West, but also by action of the Grand Lodge in 1899, the occasion of the twelfth consecutive session of the Grand Lodge of New Mexico. The address of welcome to the assemblage was delivered by Amado Chevez, mayor of Santa Fé, the response to which was made by Homer T. Unsell, grand master. Ex-Governor William G. Ritch, past grand master, delivered a historical address dealing with the institution and growth of the order in New Mexico. On the evening of the second day a banquet was served at the Palace Hotel. This concluded the jubilee meeting.

The grand masters and grand secretaries of the grand lodge have been as follows:

Grand Masters: 1887, A. C. Sloan; 1888, C. L. Hubbs; 1889, Caleb F. Houston; 1890, George H. Utter; 1891, J. C. Burge; 1892-3, William G. Ritch; 1894-5, N. E. Stevens; 1896-7, W. A. Givens; 1898, John C. Spears; 1899, Samuel Vann; 1900, Homer T. Unsell; 1901, William E. Kelly; 1902, Alfred Jelfs; 1903, C. G. Cruickshank; 1904, Alexander Bowie; 1905, W. W. Ogle; 1906, B. A. Sleyster.

Grand Secretaries: 1887, S. T. Reed; 1888, S. T. Reed; 1889, C. L. Hubbs; 1890, C. L. Hubbs; 1891, James T. Newhall; 1892-3, James T. Newhall; 1894-5, James T. Newhall; 1896-7, E. H. Staggs and Joseph P. Lantz; 1898, Joseph P. Lantz; 1899, Joseph P. Lantz and Peter A. Simpkin; 1900, Peter A. Simpkin and Alexander Bowie; 1901, Alexander Bowie; 1902, N. E. Stevens, 1903, N. E. Stevens; 1904, N. E. Stevens; 1905, J. C. Spears.

William G. Ritch, deceased, one of the grand masters of the Grand Lodge, was born in Ulster county, New York, in 1830, and died at Palomas Hot Springs, September 14, 1904. He took a prominent part in politics in his native county in young manhood. In 1855 he removed to Hudson, Michigan, and thence to Oshkosh, Wisconsin. He served with the Forty-sixth Wisconsin Infantry in the Civil war as first-lieutenant of his company and as adjutant of his regiment. After the war he was a member of the Wisconsin state senate. He became proprietor and editor of the *Winnebago County Press*, but failing health compelled him to seek a change of climate and he came to New Mexico. In 1873 President Grant appointed him secretary of the Territory, which position he filled for twelve years, in 1875 acting as governor. He was the first president of the New Mexico historical society, president of the Bureau of Immigration and president of the Educational Association of New Mexico. He was very prominent in Odd Fellowship, serving as grand master of the Grand Lodge. He was also recognized as the historian of that order in the Territory. He was also a Mason, affiliating with Montezuma Lodge No. 1 of Santa Fé.

Samuel Vann, past grand master of the Grand Lodge of New Mexico, was born in England February 15, 1854. In youth he learned the jeweler's

trade. Coming to America in the spring of 1881, he was engaged at his trade in Pennsylvania, Connecticut and Illinois until he came to Albuquerque, February 12, 1892. In 1893 he opened a jewelry store in that city, which he afterward combined with a general drug business. His son, S. G. Vann, has been his partner since June, 1900. Mr. Vann was made an Odd Fellow in the Manchester, England, Unity in 1875; was initiated into the Independent Order at Rockford, Ill., in 1886; became a charter member of Harmony Lodge No. 17, in which he has filled all the chairs; was grand master of the Grand Lodge in 1899; was grand representative in 1904 and 1905, and is now D. D. G. S. of the encampment branch for New Mexico South. He was the first captain of the old Canton, now extinct, and is a member of the local encampment.

The late Charles G. Cruickshank, M. D., of San Marcial, was one of the most prominent Odd Fellows in New Mexico, and served as grand master of the Grand Lodge. A more detailed reference to his association with affairs in the Territory will be found in the chapter devoted to the medical profession.

A. P. Hogle was one of the most active members of the order in the Territory, and filled the office of grand treasurer of the Grand Lodge. He was born November 29, 1835, and died July 1, 1905.

B. A. Sleyster, general agent for the National Fire Insurance Company of Hartford, the Atlas Assurance Company of London and the German-American Insurance Company of New York, and manager of the Albuquerque interests of Oliver E. Cromwell, is now (1906) deputy grand master of the Grand Lodge of New Mexico, and logically the next grand master.

A native of Rotterdam, Holland, he was born April 3, 1862, and at the age of fourteen years came to the United States with his parents, living in Albany, New York, until 1878. From that year until September, 1883, he was a resident of Texas, and in the latter year he removed to Albuquerque, where, until 1896, he was employed by Jesse M. Wheelock general agent for several fire insurance companies, succeeding him in business upon the latter's removal from the city in that year.

Mr. Sleyster was made an Odd Fellow in 1888 in Albuquerque Lodge No. 1, in which he has filled all the chairs. He has also occupied all the offices in the local encampment, was a member of the old Canton and is a member of the Rebekah Lodge. In January, 1904, by the special order of Dr. C. G. Cruickshank, grand master, he conducted the consolidation of Albuquerque Lodge No. 1, and Harmony Lodge No. 17, the new lodge taking the name of Harmony Lodge No. 1, and he was elected its first noble grand.

In the Grand Lodge of New Mexico he first served for several years as official instructor. In 1904 he was elected grand warden, in 1905 was promoted to the office of deputy grand master, and at the session at Deming in October, 1906, will undoubtedly be elected grand master. Mr. Sleyster is also a member of Temple Lodge, A. F. & A. M., and the Albuquerque Lodge of Elks.

N. E. Stevens, of Albuquerque, past grand master of the Grand Lodge of Odd Fellows, was born at Norway, Oxford county, Maine, December 1, 1846. Removing to Pennsylvania in his youth, in early manhood he became an Odd Fellow, being initiated into the order February 28, 1868,

in Coalmont Lodge No. 568, at Coalmont, Pennsylvania. In 1870 he removed to Leavenworth, Kansas, where he resided for seventeen years. In 1887 he came to Albuquerque, and since that year has made this city his home. He is now general agent for the Southwestern Building & Loan Association.

His identification with Odd Fellowship has been of a most important character. Mr. Stevens demitted to Old Albuquerque Lodge No. 1, I. O. O. F., upon removing to New Mexico, and when Harmony Lodge No. 17 was organized he entered the new lodge. Since the merging of the two under the name of Harmony Lodge No. 1, he has been a member of the latter, in which he has filled all of the chairs. In 1894 he was elected grand master of the Grand Lodge of New Mexico, serving two years, and in 1897 was chosen grand representative to the Sovereign Grand Lodge, serving two years. In March, 1902, he was appointed grand secretary, to fill an unexpired term, and afterward filled that office for two full terms by election. He is also a member of the local encampment, in which he has filled all the chairs, and was a member of the Canton, now defunct. In Masonry he is a member of Temple Lodge, A. F. & A. M., and Rio Grande Chapter, R. A. M., and he is also connected with the Benevolent and Protective Order of Elks. Mr. Stevens has taken an active interest in local public affairs and has served two terms in the city council and one term on the school board.

## KNIGHTS OF PYTHIAS HISTORY.

The first subordinate lodge of the Knights of Pythias in New Mexico was Eldorado Lodge No. 1, which was instituted at Las Vegas October 20, 1880, by George W. Prichard, deputy supreme chancellor for New Mexico. It had nine charter members. This was the only lodge of the order in the Territory until May 7, 1881, when Santa Fé Lodge No. 2 was organized at Santa Fé. On June 24, 1881, Rio Grande Lodge No. 3 was instituted at Socorro, with about twenty-five charter members. Since then one hundred and seventy-nine names have been on the rolls. The Knights of Pythias hall was purchased in 1901.

As the towns located along the line of the newly opened Atlantic & Pacific railroad developed, applications for the founding of new lodges continued to be made. Twenty-seven members of the order applied for and received a charter for Mineral Lodge No. 4, which was instituted June 19, 1882. Germania Lodge No. 6, of Santa Fé, was first organized as German Lodge, but afterward changed its ritual from the German language to the English. It was instituted January 20, 1883, but afterward merged with Santa Fé Lodge No. 2.

These were the only subordinate lodges in the Territory when the Grand Lodge of New Mexico was organized in the hall of Mineral Lodge at Albuquerque, October 8 and 9, 1884, by the past chancellors of these lodges. The grand lodge was instituted pursuant to a call issued by Deputy Supreme Chancellor George W. Prichard. The convention was called to order by E. L. Bartlett, past grand chancellor and past supreme representative, appointed by special commission of John Van Valkenburg, supreme chancellor of the world. The past chancellors who were found to be entitled to take part in the organization of the grand lodge were:

Eldorado Lodge No. 1, Cassius C. Gise, Michael S. Hart; Santa Fé Lodge No. 2, Walter V. Hayt, William M. Berger, Charles F. Easley, E. L. Bartlett; Rio Grande Lodge No. 3, Fred A. Thompson, James L. Leavitt, George W. Fox, Millard W. Browne, John M. Shaw, E. W. Eaton; Mineral Lodge No. 4, Jesse M. Wheelock, Thomas F. Phelan, F. Lowenthal, Charles Moorehead, Z. T. Phillips; Germania Lodge No. 6, C. F. A. Fischer, Julius H. Gerdes, A. M. Dettelbach.

The organization of the grand lodge was perfected October 9 by the election of the following:

Grand chancellor, Walter V. Hayt; grand vice-chancellor, Jesse M. Wheelock; grand prelate, Michael S. Hart; grand keeper of records and seal, C. F. A. Fischer; grand master at arms, Charles Moorehead; grand inner guard, James L. Leavitt; grand outer guard, F. Lowenthal.

The subordinate lodges instituted since the organization of the grand lodge are as follows:

Harmony Lodge No. 6, Raton, November 11, 1884; Lincoln Lodge



No. 7, August 11, 1886 (defunct); Black Range Lodge No. 8, Kingston, August 30, 1886 (merged with Sierra Lodge No. 19, Hillsboro, as Sierra Lodge No. 8); Baxter Lodge No. 9, White Oaks, December 17, 1886; Montezuma Lodge No. 10, Albuquerque, February 22, 1887 (merged with Mineral Lodge No. 4, taking the name of the latter); R. E. Cowan Lodge No. 11, Blossburg, October 1, 1887 (defunct); Silver City Lodge No. 12, December 15, 1887; Gallup Lodge No. 13, March 22, 1888; Carthage Lodge No. 14, April 18, 1888 (moved to Madrid); Vesper Lodge No. 15, Cerrillos, January 22, 1890 (merged with No. 14 at Madrid); Spring River Lodge No. 16, Roswell, June 25, 1890 (defunct); Justus H. Rathbone Lodge No. 17, San Marcial, August 30, 1890; Magdalena Lodge No. 18, December 20, 1890; Sierra Lodge No. 19, Hillsboro, May 1, 1891 (merged with Black Range Lodge No. 8 under the name of the latter); Deming Lodge No. 20, July 20, 1891; Eddy Lodge No. 21, Carlsbad, January 12, 1893; Columbus Lodge No. 22, Roswell, March 9, 1893 (defunct); Pyramid Lodge No. 23, Lordsburg, July 4, 1896; Chama Lodge No. 24, August 31, 1898, Alamogordo Lodge No. 7, March 17, 1900 (took the number of Lincoln Lodge); Montezuma Lodge No. 10, Elizabethtown, February 17, 1900 (took the name and number of Montezuma Lodge of Albuquerque); Cloverdale Lodge No. 11, Clarkville, June 6, 1900 (took the number of R. E. Cowan Lodge); Triangle Lodge No. 16, Clayton, October 13, 1900 (took the number of Spring River Lodge); Damon Lodge No. 15, Roswell, August 25, 1900 (took the place of Columbus Lodge and Spring River Lodge, with the number of the Cerrillos Lodge, which had merged with No. 14); Myrtle Lodge No. 19, Capitan, January 5, 1901 (took the number of Sierra Lodge); Santa Fé Trail Lodge No. 22, Springer, May 8, 1901 (took the number of Columbus Lodge); William McKinley Lodge No. 25, Nogal, July 4, 1902 (consolidated with Magdalena Lodge No. 18); Blossburg Lodge No. 26, July 21, 1902 (defunct); Artesia Lodge No. 27, June 30, 1905; Tucumcari Lodge No. 29, July 10, 1905; Capulin Lodge No. 28, Folsom, March 25, 1905. Dawson City Lodge No. 30 was instituted on March 10, 1906, by Julius Uhlfelder, grand chancellor, at Dawson, Colfax county, with forty-three charter members. Lakewood Lodge No. 31 was instituted on May 16, 1906, by J. B. Harvey, special deputy grand chancellor, at Lakewood, Eddy county, with sixteen charter members.

A complete list of the grand chancellors and grand keepers of the records and seal of the grand lodge follows:

Grand chancellors: 1884, Walter V. Hayt; 1885, Millard W. Browne; 1886, Charles F. Easley; 1887, Frank W. Barton; 1888, A. C. Briggs; 1889, F. C. Marstolf; 1890, William M. Berger; 1891, James J. Leeson; 1892-3, Harry W. Lucas; 1894, W. F. Kuchenbecker; 1895, Clarence E. Perry; 1896, Robert McKinley; 1897, L. A. Skelly; 1898, E. L. Browne; 1899-1900, C. C. Clark; 1901, William Kilpatrick; 1902, B. F. Adams; 1903, P. B. Heather; 1904, E. W. Clapp; 1905, Julius Uhlfelder.

Grand keepers of the records and seal: 1884, C. F. A. Fischer; 1885, Z. T. Phillips; 1886, A. C. Briggs; 1887, William F. Dobbin; 1888-9, A. M. Dettelbach; 1890, Harry W. Lucas; 1891-2, F. L. Harrison; 1893-4, Clarence E. Perry; 1895, S. M. Saltmarsh; 1896, N. F. Irish; 1897-98, B. F. Adams; 1899-1905, Clarence E. Perry.

Julius Uhlfelder, grand chancellor of the grand lodge, was born at

Ratisbon, Germany, October 25, 1854, and located in New Mexico, May, 1881, at Albuquerque, where he remained until 1897, with exception of two years, 1892-93, at Las Vegas. Since 1897 he has lived at Elizabethtown. He began as clerk and bookkeeper, and later merchant.

Mr. Uhlfelder joined Montezuma Lodge No. 10, Knights of Pythias, Albuquerque, in 1887, C. C. of same July 1, 1889. Transferred to Eldorado Lodge No. 1 in 1892; transferred to Montezuma Lodge No. 10, Elizabethtown, which he organized, on February 17, 1900. He has filled at different times every office in the subordinate lodges in which he held membership.

He became a member of the Grand Lodge Knights of Pythias of New Mexico September 10, 1890; was elected grand outer guard September 18, 1901; grand master at arms, September 18, 1902; grand prelate, September 17, 1903; grand vice-chancellor, September 22, 1904; grand chancellor, September 28, 1905.

## THE LAND OF SHALAM.

Upon the east bank of the Rio Grande, in the southern part of the Territory, about fifty miles up the river from the city of El Paso, are the remnants of one of the most remarkable colonial undertakings which ever obtained a foothold upon American soil—even the most noteworthy, from some viewpoints, among all the communistic institutions established during the modern history of nations. This unique estate was known as the "Land of Shalam." Its founders were members of a sect calling themselves "Faithists," and their church was called the "Church of the Tae." The history of this utopian venture contains features which appear to be at least coextensive with, if not beyond, the limits of human credulity.

Less than a quarter of a century has elapsed since the inception of the project. Some time about the year 1881 Dr. John B. Newbrough, of Boston, Massachusetts, a man who had achieved some fame in local spiritualistic circles, visited New Mexico, evidently having already mapped out more or less definite plans for the foundation of the colony. After looking over several locations in the Territory, he decided upon the selection referred to—locally known as the Mesilla valley—as the best adapted to his project. At a price which would be regarded as ridiculously low at the present time, he either purchased or secured options upon an extremely fertile, low-lying tract of land, nearly nine hundred acres in extent, located near the site of the town of Doña Ana.

Returning to Boston, he persuaded Andrew M. Howland, a wealthy coffee importer of that city, who, partly through Newbrough's influence, had become profoundly interested in occult science, to enter with him into the foundation of a colony whose fundamental law should be brotherly love and good fellowship of a degree hitherto unknown in Christendom.

Newbrough was a remarkable man in more ways than one. Six feet and four inches in height, weighing two hundred and seventy-five pounds, perfectly proportioned, extremely handsome, highly educated, dignified, cultured, refined and thoroughly *distingue* in appearance from crown to heel, he wielded a powerful influence over the majority of persons with whom he came in intimate contact.

It would seem that in the case of Howland he exercised some hypnotic control. At any rate, so strong did he find his influence over the rich merchant to be that he felt convinced that the mind and will of the latter could be made subservient to his own to a degree sufficient to enable him successfully to consummate his utopian plans for a colony in the New Mexican desert, where his own personality would dominate all; where his wishes, insidiously injected into the body politic, would ultimately become law; where he would be lord and king. In short, Newbrough was of that type of man commonly regarded in these days as a mountebank.

A clearer conception of the brilliant schemes which were being evolved in the fertile brain of this man of expedients may be gleaned by a study of a noteworthy literary production, the authorship of which he modestly acknowledged, though its source he admitted to have been "inspired." This work, which the writer has examined, is one of the most novel literary creations of the age. It is called by the "instrument" through which it was written:

- "OAHSPE; A New Bible, in the words of Jehovah and his Angel Embassadors. A sacred history of the dominions of the higher and lower heavens on the earth for the past twenty-four thousand years, together with a synopsis of the cosmogony of the universe; the creation of the planets; the creation of man; the unseen worlds; the labor and glory of gods and goddesses in the ethereal heavens. With the new commandments of Jehovah to man of the present day. With revelations from the second resurrection formed in words in the thirty-third year of the Kosmon era." In the preface to the book it is said of it that "it blows nobody's horn; it makes no leader."

The inspired author of this new revelation evidently was familiar with most of the writings of his earlier predecessors. Having seen innumerable sects spring up as the result of a "misconstruction, or rather of a diversified construction," of the earlier gospels, the author assures the world that the "Oahspe" presents the "method of proving that information to be true." This new gospel furnishes what its author claims to have considered a plain and unvarnished story of the origin of the Christian Bible. This narrative, in epitome, is as follows:

"Once upon a time" (as fairy tales usually begin) "the world was ruled by a triune composed of Brahma, Buddha and one Looeamong. The devil, entering into the presence of Looeamong, tempted him by showing him what the great power of Brahma and Buddha might accomplish if combined against him, and induced him to set up a separate kingdom, assuming the new name of Kriste. It came to pass that the followers of Kriste were called Kristeyans.

"Looeamong, now Kriste, through the commander of his forces, General Gabriel, captured the opposing gods, together with their entire combined command of seven million six hundred thousand angels, and cast them into hell, which already held more than ten million souls who dwelt in chaos and madness. Kriste afterward assembled a number of his most enlightened subjects for the purpose of preparing and adopting a code. At this meeting, according to the 'Oahspe,' there were produced two thousand two hundred and thirty-one books and legendary tales of gods and saviors and great men."

Upon the termination of this great council, which extended over a period of four years and seven months, there had been selected and combined much that was good, "worded so as to be well remembered of mortals."

The council, having adopted a code (the Bible), then proceeded to ballot for a god. Thirty-seven candidates for the office entered the field or were put forward by their champions, including Vulcan, Jupiter, Minerva and other well-known gods and goddesses of mythology. On the first ballot Kriste stood twenty-second in the line of preference. The balloting continued one year and five months, at the expiration of which

time the vote was equally divided among five gods—Kriste, Jove, Mars, Crite and Siva. For seven weeks thereafter each succeeding ballot exhibited the same result. At this point in the deadlock, Hataus, who was the chief spokesman for Kriste, or leader of the Kristeyan delegation, proposed to leave the matter of selection to the angels, a plan which was readily accepted by the wornout council. Kriste, who, under his former name of Looeamong, still retained command of the angelic army (for he had prudently declined to surrender the one position until he had been elected to the other), together with his hosts, gave a sign in fire of a cross smeared with blood; whereupon "he was declared elected," and on motion his election was made unanimous.

Following this endeavor to demonstrate that Christianity had its origin in fraud akin to that frequently perpetrated on political undertakings of modern days, the "Oahspe" proceeds to uncover the beauties and simplicity of the new faith. It describes the birth of Confucius and the rise of Confucianism, the foundation of Mohammedanism, the discovery of America by Columbus, and finally brings us down to the discovery of the Land of Shalam and the designs of an omniscient power looking toward the settlement of the same.

The description of the location of the Land of Shalam is noteworthy. "Next south," says the "Oahspe," "lay the kingdom of Himalawowoagana-papa, rich in legends of the people who lived here before the flood; a kingdom of seventy cities and six great canals, coursing east and west, and north and south, from the Ghiie mountains in the east to the West mountain, the Yublahahcolaesavaganawakka, the place of the king of bears, the Eeughehabakax. And to the south, to the middle kingdom, on the deserts of Geobiathhaganeganewohwoh, where the rivers empty not into the sea, but sink into the sand, the Sonogallakaxkax, creating prickly Thuazhoogallakhoomma, shaped like a pear. \* \* \* In the high north lay the kingdom of Olegalla, the land of giants, the place of yellow rocks and high-spouting waters. Olegalla it was who gave away his kingdom, the great city of Powafuchswowitchhahavagganeabba, with the four and twenty tributary cities spread along the valley of Anemoosagoochakakfuela, with the yellow hair, long hanging down."

Many other lands and cities are described, and the author of the "Oahspe" finally leads his "deciples" to a high point of land and shows them a vast system of irrigation. After describing the main irrigation ditch, he continues:

"There were seven other great canals, named after the kings who built them, and they extended across the plains in many directions, but chiefly east and west, "forming a great network throughout the valley of the Rio Grande. "Betwixt the great kings and their great capitals were a thousand canals, crossing the country in every way," so that "the seas of the north were connected with the seas of the south. In Kanoos the people traveled, and carried the productions of the land in every way."

Howland, though for years a careful business man, worth between a quarter and half a million, had become so thoroughly engrossed in the study of spiritual problems that he was probably incapable of clear-cut reasoning. There is little doubt that his intellectual powers had become weakened sufficiently to render him a comparatively easy victim to the wiles of a masterful and crafty personality like that of Newbrough.

Though apparently remaining in full possession of his mental faculties when considering the ordinary affairs of life, let religious subjects be introduced to him and the true state of his mind became instantly apparent. His sincerity of purpose was absolute—there is no doubt of that; so, also, appeared his confidence in Newbrough.

Upon his return to Boston after his tour of investigation in the Rio Grande valley, Newbrough divulged to Howland an outline of his project for the redemption of some portion of the wicked world through the foundation of this colony. Describing to him the revelation which he alleged he had received from the supreme power and intelligence, communicated either directly or through the medium of some of his invisible and intangible emissaries, relative to a land he should people and a new nation he should establish, Newbrough said that he accepted these divine disclosures in the nature of a command. The Lord knew, he continued, that the man he had selected for this monumental undertaking was handicapped by reason of lack of worldly funds, and had told him that Howland should become the instrument through which the money necessary to the fulfillment of the mandate from on high was to be provided.

The divine plan, roughly outlined, included the purchase of a tract of land "somewhere out west," free from the trammels of modern civilization and false religious ideals, and the establishment of a city which should be the centre of a commonwealth in which all were to be equal, as God intended men to be. One of the great features of the plan—and this appears to have appealed irresistibly to the kind heart and humanitarian instincts of Howland—was to be a home for infants and young children, where the young life could be perfectly nurtured, free from the contaminating influences of the outer world. Finally, the Oahspe was to be the spiritual and moral guide of the community. Some, or all, of these parts of the great plan were the instruments through which Howland was ultimately induced to embark upon the glittering project—not suspecting that the entire scheme might have had its source solely in the brilliant mind of his trusted friend and spiritual adviser.

Though Newbrough had fully determined that the land in the Mesilla valley which he had secured should be the nucleus of the proposed colonial venture, he was cautious enough not to disclose this fact to Howland, though there is little doubt that he could have persuaded the latter to enter upon the undertaking, even after having become aware of this purchase, or option. His design appears to have been to create a more profound impression by proving to Howland that supernatural forces were at work endeavoring to indicate to this master spirit, without spoken or written instructions, just where this modern paradise, neglected and undeveloped by man, lay.

To this end Newbrough, chiefly by innuendo, appears to have convinced Howland that he had held communion with the angels, and that through them he had received advice, amounting almost to a definite command, to travel toward the setting sun until the promised land should appear; and that when the locality was reached he would "feel it in his bones"—if we may be permitted to reduce his mystic words to more easily comprehended English.

Having had held out to him the strong inducement that he should become a sort of patron saint of the new sect, Howland, after converting all

his worldly possessions into a form more easy of manipulation, started for "the West," apparently with no definite goal in view, in company with his magniloquent and more sophisticated preceptor. Hour by hour, during the later stages of the journey, Newbrough experienced increasing "irresistible inclinations" to travel toward the southwest until the central portion of the Territory of New Mexico was reached. By this time the doctor's movements somewhat resembled those incident to the time-honored game of "hide the thimble," on a magnified scale. As they neared the goal he "grew warmer." At Socorro he was "very warm." At Las Cruces, the county seat of Doña Ana county, in which his selection of land was located, things became "hot," and he informed his companion that they must there alight from the train, for he knew by the tremendous influence being brought to bear upon him, as evidenced by his peculiar mental sensations, that the chosen site was near at hand. It is generally believed throughout the valley that he even went so far as to assure Howland that he could reach the spot, if blindfolded. Whether he had previously made arrangements to that end with some person in Las Cruces or not, never will be known, but it is said that he actually allowed himself to be blindfolded and, with Howland, driven through the country, apparently at random, until the party arrived at the point selected by Newbrough, when the bandages were removed from his eyes.

Thus was the Land of Shalam, the home of the Faithists, the site of the First Church of the Tae, discovered, even as the Lord had unfolded to Moses the land appointed to be the home of the children of Israel.

It was not long after their arrival in the Rio Grande valley that the more minute details of the plan for the colony were decided upon. It was agreed that the title to all the land should be invested in Howland, in trust. The articles of faith and governance adopted set forth that the community was to be conducted on principles of brotherly (and sisterly) love, of a somewhat free and easy character, without master or leader to exercise control over the members; that all were to enjoy equally a permanent place in the community, with no authority on the part of any member or members which tended toward the exclusion of another; and that the community was laid on principles of sound morality and purity of life. Subsequent events seem to furnish a reasonable degree of evidence that what constituted "principles of sound morality and purity of life" was left largely to the judgment of those who agreed among themselves that they were "subject to no authority."

Among the numerous conditions attached to the trust which checked the title of individual members, one was to the effect that "no meat, nor fish, nor butter, nor eggs, nor cheese, nor any animal food, save honey, shall ever be used upon any part of the premises, excepting that milk may be given to children under five years old." When this provision was violated by any member of the community holding one of these conditional titles, the trustees reconveyed the property to Howland. The corporate name of the religious society was "First Church of the Tae," and articles of incorporation were filed with the secretary of the Territory December 30, 1885.

In connection with the community there was also organized the "Faithist Country Store," a co-operative concern which, by the way, was a model institution, with its various departments separated by plate glass

partitions. The orphans' or infants' home was a department of the colony which really fulfilled the highest ideals. In neat, comfortable and thoroughly sanitary quarters, accommodations for a score or more of children of tender years were provided, utterly regardless of expense. Porcelain bath-tubs—a separate tub for each child—were placed in position, and every possible arrangement to secure healthful, temperate treatment of the young was provided. Children of all races, colors and degrees of birth—white, black, Indian and Mexican—were actually received into this department of the colony, Newbrough even making a trip to California and returning with about a dozen of them—principally foundlings, it is believed. These wore a uniform dress, a sack-like garment containing holes allowing the free use of the arms, but no sleeves. This department of the community threatened its solvency at one time. Contracts were made with those supplying the inmates of the infants' home to the effect that upon attaining maturity each child should receive his share of the common property. At the expiration of a few years most of these children were shipped away to various outside points, being practically denied the promised participation in the worldly goods and chattels owned by the institution. Nevertheless, from those who have made the Land of Shalam the subject of jest, this feature alone has always called for and received unstinted commendation.

Elaborate plans for the cultivation of the land, the area of which had been increased from time to time, were also made. A costly pumping station for supplying water for irrigation was erected, enabling the colonists to remain independent of the coy and uncertain waterflow of the Rio Grande, a thing which has been a source of everlasting annoyance to the agriculturists of the valley. The plans for the *material* success of the enterprise seem, therefore, to have been complete, and, it must be admitted, generally of a practical character.

It will thus be seen that this society was communistic in theory, humanitarian in ideals, agrarian in habits and vegetarian in diet. Newbrough, its chief promoter, died a few years ago in El Paso, Texas. Despite the provisions in the articles of governance looking toward perfect equality among the members, he was the undoubted head, the genius, the dictator, the Nabob of the Land of Shalam, exercising his control so diplomatically that for some time no voice of dissent was heard. Gradually his sway gave way, in a measure, to that of another spirit in the enterprise.

It is the old story of the dominating influence of the daughters of Eve. This figure in the comedy-drama of the Shalamites was a woman of rare intelligence, a natural leader, who proved herself capable of out-generaling Newbrough himself. When she became a member of the colony she was, according to common report, the wife, or divorced wife, of a man named Sweet, who had affected the apostleship of some esoteric occult Oriental creed—Hindoo, Egyptian, Buddhist, or what not. At any rate he put forth the claim that in his body lived the reincarnated soul of some ancient human who had wielded a sceptre long before the establishment of Christendom. Just what he did believe does not matter, as he never became a resident of the Land of Shalam. His wife, however, evidently took the measure of Newbrough and found him less powerful than he imagined himself to be. For she took him unto herself as hus-



band, thereafter gradually assuming control of things in the colony, little by little, until, upon its disruption, she was generally regarded as the power behind the throne, if not the occupant of the throne itself. After Newbrough's departure upon the "long journey" and the end of his brilliant scheme, she became the wife of Howland, who retained possession of all that was left on earth of this magnificent wreck.

That Newbrough aimed at ultimately securing the larger portion of Howland's fortune—or at least reaping the greatest possible pecuniary benefits from its employment in this manner—is a theory substantiated to a great degree by the results attained before his death and the disruption of the colony. Those he and Howland collected about them were, for the most part, religious fanatics, adventurers or those afflicted with something strikingly akin to imbecility; and these for a long time evidently did not comprehend the impositions practiced upon them by Newbrough. Among them, however, were men and women of strong character and no mean intellectual powers, including Dr. Tanner, the man who "fasted forty days." Dr. Bowman, who afterward became a man of considerable wealth in California, was also identified with the project for some time after its inception. But these were men of perspicuity and retired from further participation in the fiasco just before its foundations began to crumble.

Finally, in the years 1900 and 1901, the awakening came, the scales dropped from the eyes of the misled disciples of the author of the Oahspe, and certain Faithists, who felt that their patience, confidence and credulity had been sorely tried and imposed upon, began instituting proceedings in the courts of New Mexico for the recovery of the moneys which they had been induced to put in the common fund of the Land of Shalam. The courts decided that these persons had become parties to the scheme with their eyes open as to the peculiar character of the title to lands offered to them, which was practically no title at all, and threw their cases to the four winds. After these dissensions had been freely aired before the hitherto but partially initiated public, the Land of Shalam rapidly lost prestige and declined, finally becoming naught but a memory, the butt of jest and ridicule, with the one exception noted.

The land selected as the site of this unique commune is as easily irrigable and fertile as any in the entire Southwest, so famous for its rich farming lands. Even without the mechanical appliances with which its founders generously equipped it, upon the completion of the great Elephant Butte irrigating project which the federal government now has on hand, and for which an appropriation of over seven millions of dollars has been made, it and over one hundred thousand acres of contiguous land will become and forever remain immensely valuable, the desert "blossoming like the rose," fulfilling the prophecy of the "inspired author" of the Oahspe.

Andrew M. Howland, the chief sufferer through the duplicity of Newbrough, and his wife still reside upon the property which was the scene of this unparalleled enterprise. All that remains of the fortune which he was persuaded to invest therein is the land itself and a few adobe buildings. He has become widely known throughout the Mesilla valley as a man of many eccentricities. At home he is usually to be found attired, winter and summer, in a thin suit of white pajamas, hatless

and sockless—the uniform dress of the Shalamites when they were not in an utterly nude condition, enjoying in common a sun bath in one of the corrals of the institution. In spite of the marked peculiarities of his personality, he and his wife are famed for their kindness of heart, their generosity and their hospitality; and in referring to them those familiar with the true history of the wretched fiasco of the Land of Shalam think twice before they give expression to aught but sentiments of pity.

## THE PENITENTES.

For over 300 years a sect which for savage fanaticism, idolatrous superstition and blind bigotry can be likened only to the dark religions of India—called “Confradio de Neustro Padre Jesus,” or “The Brotherhood of Our Father Jesus Christ”—is more commonly known as the Penitent Brothers, or Penitentes. It is an outgrowth of the Order of Los Hermanos Penitentes, founded in Spain in the sixteenth century, its aim being “the imitation of our Father Jesus, by perfect observance of all the duties of a fervent Christian.” The founders, holy men, planned nothing of the penance or the scourge. That is of later growth. Religious study and discussion of subjects elevating and spiritual was the main principle. In early days the Order of Penitent Brothers grew strong among Franciscans, and with their advent into Mexico and New Mexico branches of the order were instituted. When present practices were inaugurated in the New World is unknown, as inviolable secrecy of records has been preserved. But when the Spanish conquerors entered Mexico, nearly all Indian nations had professional penitents, who made vicarious atonement for sins of the whole tribe, torture being the chief form of atonement. The inference drawn by many students that though the order remained Christian, it was influenced to a remarkable extent by the pagan religion and ritual of native Indians.

Passion week was reserved for cleansing from sin, and Good Friday is the great day of all the year. The principal services begin Wednesday before Easter, by fasting. The house of worship, called the *morada*, is always in a secluded place, usually of adobe, dimly lighted. Some *moradas* have secret rooms, walls sometimes literally covered with penitential blood. Here are kept the sacred pictures of the Virgin and many saints.

The ceremony usually begins with pricking the flesh of the back with sharpened flint or broken glass, known as *pedernals*, by the *picador*. If the member be very sincere and full of faith he asks for “the three meditations of the passion of our Lord.” This calls for six strokes with the cruel plaited scourge, three on each side of the spinal column. If his zeal grow, he asks and receives “the five wounds of Christ,” “the seven last words,” “the ten commandments,” “the forty days in the wilderness,” all demanded “for the love of God.” The complete penance calls for 130 strokes, with all the strength of the *picador*. He is followed by the coadjutor, who washes the Penitent’s wounds with rosemary water and old antiseptics, and then cleans the *pedernals* and blood-soaked scourges for the next applicant.

This is but the preliminary. Next usually follows the binding of cactus to breast and back, cactus thorns, from one to two inches long, being bound to the bruised and broken flesh. Sometimes half a dozen,

similarly adorned, have been seen to leave the morada at the same time, preceded by the *rezador*, they muttering a prayer, he chanting prayers. They go to a hill on which stands a great cross, they circle around this, then back to the morada, around which they must circle three times while the cactus bores its way into the flesh. If any falls, he is lashed up and onward. A rope is sometimes tied about the Penitente's body, and he is dragged over rocks and cactus until he gives word to stop. Sometimes, rendered unconscious and unable to give the word, he is dragged on until life is extinct.

A man is, for certain crimes (or a volunteer, or one selected by lot), condemned to "the way of the cross." A cross, some of which are twenty feet long with eight-foot arms, is strapped to his back, so heavy that he barely can stagger. Frequently several start on this awful journey at the same time. At certain stations they stop and pray and unmercifully scourge themselves. They are accompanied by the *Rezadors*, always chanting prayers; the *compañeros*, scourging them forward with sickening blows; the *piteros*, playing the flute. The climax of this weird, grotesque, pagan ceremony comes with the choosing of the Christ. With his companions, the brother thus honored takes the most horrible "via crucis," or way of the cross; the others are relieved of their crosses when the rite is concluded, but he who imitates the Christ is compelled to retain his until death ensues. Frequently days elapse between the time of crucifixion and death, and meantime the poor, deluded, suffering fanatic wanders alone through rocky canyons and fields, without food, sometimes without water, until he welcomes death in any form. Secretly he is envied by every sincere believer, as the one among them all who has demonstrated himself as worthy to take upon himself the Savior's agony upon the cross.

The rite is something weird, awful beyond description. The victim is taken to *morada*, and first washed free from blood and dirt by the coadjutor. The ceremony is thus described by a reputable eye-witness:

"Outside, where the faithful are gathered in reverent silence, a hole four feet deep is dug in the ground. Six brethren guard the cross that lies at length before the door. Two thirty-foot riatas are bent on to the arms of the cross, with ends lying loose upon the ground. Near at hand are the Hermano Mayor and a half-dozen high officials, with each a crown of rose branches upon his head and a bright drop of blood blossoming from every thorn. Soon the door of the *morada* opens and the chosen one appears, stripped to a pair of cotton drawers and with his head bound with a bit of black veil. The little crowd stirs and holds its breath. Very quietly, half consciously, one might say, the victim lays himself down upon the cross and extends his arms. Either nails or ropes are used; always the former are demanded by the sufferer. To be roped upon the cross is in some sort dishonor, as casting aspersion upon one's ability to bear the more severe punishment, though perhaps in point of actual pain there is little to choose. Generally, especially of late years, ropes are used. Deftly the brothers bind the passive body to the wood with turn after turn of rope that sinks deep into the white flesh. Soon this flesh changes color; an angry purple creeps upward from the extremities, ever rising, ever growing darker, until the whole body is black and the flesh between the biting ropes is puffed and swollen. The group of watchers sway closer, with parted lips and low-breathed prayer. \* \* \* The attendants draw back. For an instant the victim lies in view of the crowd, motionless, all

but unrecognizable. The Hermano Mayor gives the signal. Two brothers seize the ropes attached to the cross-beams, beyond the victim's wide-spread arms, and haul; others push and pull until the heavy timber slowly rises upright and is dropped with a sickening jar into the waiting hole. This is then filled with earth, and the ropes detached. The cross with its living burden stands erect, towering high above the white faces below, vast symbol of human ignorance and faith. There is silence, tense and strained. All faces are upturned to the rigid, set face above them. No sign of pain is visible, yet one can see the rise and fall of the naked ribs to the labored breath. At the sight the crowd stirs, unconsciously, involuntarily. \* \* \* A perceptible shudder runs through the racked body, beginning at the feet—and this is a thing perfectly ghastly to look upon—the head jerks forward, lifts again, with the last remnant of ebbing strength; the chest, expanded painfully by the spread of the strained arms, heaves once and sinks in; the head drops heavily. The whole worn body seems to shrink into itself. \* \* \*

"The body, limp, with head rolling helplessly and lifeless hands, is lowered from the cross and carried into the *morada*. Here the victim is laid, to recover consciousness. In most cases it is several hours before he stirs."

Not infrequently the victim never recovers consciousness. In such an event, closeted brothers say prayers for those "who have gone to sleep," and at midnight the body is hastily interred in a secret place, that none may know the place until the next anniversary of the event. No inquiry or search for the body is made, for the end is understood and believed to be a righteous one.

The membership of the order of Penitentes is closely controlled by the Hermano Mayor. Children over ten and women are admitted to the order, but the latter have separate *moradas*. However, they are disbarred from the "glory" of crucifixion and the carrying of the cross.

Basing the estimate on the proportion of Penitentes in the Mexican population in a number of localities in New Mexico where inquiries have been made, it is probable that more than one-half, possibly two-thirds, of the native Mexican population of the Territory is now or at some time has been identified with the order. Some of the most influential native citizens of the Territory—men who have been recognized as shrewd political leaders, at least one of them having represented the Territory in the United States Congress—have been enrolled in the membership. For many years the order was allowed to flourish under the patronage of the Roman Catholic church, but within recent years a well-organized effort has been made by some of the clergy, possibly in deference to public opinion outside of the church and the order, to break it up; and in at least one instance a priest in the church who assailed the order incurred the enmity of its membership to such an extent that an effort to banish him from his parish was made.

Politics has also resulted in rendering the order less popular in many quarters in recent years. While the rank and file of the brotherhood is undoubtedly sincere, political demagogues have obtained the ascendancy in the control in some localities, using the brothers as tools for the consummation of designs of a questionable nature. For the average Penitente, once his mind is filled with the idea that justice is not being meas-

ured out to one of his brothers, will leave no stone unturned to right what he considers the wrong done. It is a notorious fact that in certain counties of the Territory, where the Penitentes are in political control, if they desire to show their strength, it is impossible to obtain a conviction of one of their number on trial for one of the greater crimes—provided, of course, that such conviction shall have been decided upon as a thing not to be desired by the leading spirits in the brotherhood. In other cases all possibility of prosecution has ended with the action of the grand jury; for in such counties Penitente control of both the grand and petit juries is one of the easiest things imaginable.











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